EMERGENCY PRINT

ORIGINAL

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-		06-1019-01EP

For use by Office of Administrative Law (OAL) only

2006 OCT 19 PM 2:14

OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

FILED
in the office of the Secretary of State
of the State of California

OCT 26 2006

At 1:25 O'clock p M.

AGENCY WITH RULEMAKING AUTHORITY: California Department of Social Services

AGENCY FILE NUMBER *(If any)*: ORD #0905-15

A. PUBLICATION OF NOTICE *(Complete for publication in Notice Register)*

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER *(Optional)*
☐ Notice re Proposed Regulatory Action ☐ Other		( )	( )

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS *(Complete when submitting regulations)*

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
Community Care Licensing (CCL) Crisis Nurseries	

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) *(Including title 26, if toxics-related)*

SECTION(S) AFFECTED *(List all section number(s) individually)*	ADOPT
	[See Attached]
	AMEND
TITLE(S)	REPEAL
Title 22/MPP	

3. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)
☑ Emergency (Gov. Code, § 11346.1(b))
☐ Emergency Readopt (Gov. Code, § 11346.1(h))
☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.

☑ Print Only ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Other (specify)

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE *(Cal. Code Regs. title 1, §§ 44 and 45)*

5. EFFECTIVE DATE OF REGULATORY CHANGES *(Gov. Code, §§ 11343.4, 11346.1(d))*
☐ Effective 30th day after filing with Secretary of State ☑ Effective on filing with Secretary of State ☐ Effective other *(Specify)*

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER *(Optional)*	E-MAIL ADDRESS *(Optional)*
Alison Garcia, Manager, ORD	(916) 657-2586	( )	

8. ***I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.***

SIGNATURE OF AGENCY HEAD OR DESIGNEE: Cliff Allenby — DATE: 10-6-06

TYPED NAME AND TITLE OF SIGNATORY: Cliff Allenby, Interim Director

Notice of Publication/Regulations Submission
STD 400
Section B.2. Specify California Code of Regulations Tilte(s) and Section(s)
ORD #0905-15

Adopt:
CHAPTER 7.3 (Crisis Nurseries); Article 1., Sections 86500 and 86501; Article 2., Sections 86505, 86505.1, 86506, 86507, 86508, 86509, 86510, 86511, and 86512; Article 3., Sections 86517, 86518, 86519, 86519.1, 86519.2, 86520, 86521, 86522, 86523, 86524, 86526, 86527, 86528, 86529, 86531, 86531.1, 86531.2, 86534, 86535, and 86536; Article 4., Sections 86540, 86542, 86544, 86545, and 86546; Article 5., Sections 86552, 86553, 86554, 86555, 86555.1, 86558, and 86559; Article 6., Sections 86561, 86562, 86563, 86564, 86565, 86565.2, 86565.5, 86566, 86568.1, 86568.2, 86568.4, 86570, 86572, 86572.1, 86572.2, 86574, 86575, 86576, 86577, 86578, 86578.1, 86579, and 86580; and Article 7., Sections 86586, 86587, 86587.1, 86587.2, and 86588.

Amend:
MPP Sections 11-400c., 11-402, 45-101(c), 45-202.5, 45-203.4, and 45-301.1.

Adopt Chapter 7.3 and Article 1 to read:

CHAPTER 7.3 CRISIS NURSERIES

Article 1. GENERAL REQUIREMENTS AND DEFINITIONS

Adopt Section 86500 to read:

86500 GENERAL 86500

(a) A Crisis Nursery, as defined in Section 86501(c)(16), shall be governed by the provisions specified in this chapter.

(b) The provisions of Chapter 1, General Licensing Requirements shall not apply to Chapter 7.3, Crisis Nurseries.

(c) The provisions of this chapter shall remain in effect only until January 1, 2008, unless a statute is enacted before January 1, 2008, which deletes or extends that date.

Authority Cited: Sections 1516(k) and 1530, Health and Safety Code.

Reference: Sections 1501, 1502, and 1516, Health and Safety Code.

Adopt Section 86501 to read:

86501 DEFINITIONS 86501

The following definitions shall apply whenever the terms are used throughout this chapter.

(a) (1) "Accredited schools, colleges or universities, including correspondence courses offered by the same," means those educational institutions or programs granted public recognition as meeting established standards and requirements of an accrediting agency authorized by the U.S. Secretary of Education.

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Authorized accrediting agencies include the Accrediting Commission, National Home Study, the Accrediting Bureau of Health Education Schools, the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, and the Western Association of Schools and Colleges.

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(2) "Administrator" means the licensee, or the adult designated by the licensee who meets the requirements of Section 86564 to act in his/her behalf in the overall management of the facility.

(A) "Administrator Designee means a lead caregiver as specified in Section 86565(p) designated by the administrator to act on his or her behalf in the overall management of the crisis nursery.

(3) "Adult" means a person who is 18 years of age or older.

(4) "Applicant" means any individual, firm, partnership, association, corporation, county, city, public agency or other government entity that has made an application for licensure of a crisis nursery.

(5) "Approved schools, colleges or universities, including correspondence courses offered by the same," means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education or by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education, pursuant to Education Code Sections 94900 or 94915.

(6) "Authorized Representative" means any person or entity authorized by law to act on behalf of any child. Such person or entity may include, but not be limited to, a minor's parent, a legal guardian, a conservator or a public placement agency.

(b) (1) "Basic Rate" means the rate charged by a facility to provide basic services. For SSI/SSP recipients, the basic rate means the established non-medical out-of-home care rate which includes any exempt income allowance but does not include that amount allocated for the recipient's personal and incidental needs.

(2) "Basic Services" means those services required by applicable law and regulation to be provided by the licensee in order to obtain and maintain a crisis nursery license.

(c) (1) "California Clearance" means an individual has no felony or misdemeanor convictions reported by the California Department of Justice. However, the individual may have been arrested with no criminal conviction, convicted of a minor traffic offense or adjudicated as a juvenile.

(2) "Capacity" means the maximum number of children authorized to be provided care and supervision at any one time in a crisis nursery.

(3) "Care and Supervision" means any one or more of the following activities provided by a person or facility to meet the needs of the clients:

(A) Assistance in dressing, grooming, bathing and other personal hygiene.

(B) Assistance with taking medication, as specified in Section 86575.

(C) Central storing and/or distribution of medications, as specified in Section 86575.

(D) Arrangement of and assistance with medical, dental, and vision care. This may include transportation.

(E) Maintenance of house rules for the protection of children.

(F) Supervision of children's schedules and activities.

(G) Maintenance and/or supervision of children's cash resources or property.

(H) Monitoring food intake or special diets.

(I) Providing basic services as defined in Section 86501(b)(2).

(4) "Caregiver" for the purpose of this chapter means a crisis nursery staff person who performs the duties and responsibilities as specified in section 86565.2 for no more than three specific children under the age of six.

(5) "Child" means a person who is under 6 years of age who is being provided care and supervision in a crisis nursery, except where specified otherwise in this chapter.

(6) "Child Abuse Central Index" (CACI) means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental/emotional abuse and/or severe neglect. Each child protection agency (police, sheriff, county welfare and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be unfounded.

(7) "Child Abuse Central Index Clearance" means that the California Department of Justice has conducted a name search of the index and the search did not result in a match or the search resulted in a match but the California Department of Social Services determined after an investigation that the allegation of child abuse or neglect was not substantiated.

(8) "Child with Special Health Care Needs" means a child who meets the requirements of Section 17710(a) of the Welfare and Institutions Code.

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(A) Welfare and Institutions Code Section 17710(a) provides:

"'Child with special health care needs' means a child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who has a condition that can rapidly deteriorate resulting in permanent injury or death or who has a medical condition that requires specialized in-home health care, and who either has been adjudged a dependent of the court pursuant to Section 300, has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center."

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(9) "Community Care Facility" means any facility, place or building where non-medical care and supervision, as defined in Section 86501(c)(3) are provided.

(10) "Complaint" means any notice of an alleged violation of any regulation or statute of this state, including, but not limited to, Title 22 regulations and Penal Code violations.

(11) "Completed Application" means:

(A) The applicant has submitted and the Department has received all required materials, including: an approved fire clearance from the appropriate fire authority having jurisdiction, a Child Abuse Central Index clearance, and a criminal record clearance or a criminal record exemption on the applicant and any other individuals specified in Section 86519.

(B) The Department has completed a site visit to the facility.

(12) "Control of Property" means the right to enter, occupy, and maintain the operation of the facility property within regulatory requirements. Evidence of control of property may include, but is not limited to the following:

(A) A Grant Deed showing ownership; or

(B) A lease agreement or rental agreement; or

(C) A court order or similar document which shows the authority to control the property pending outcome of a probate proceeding or an estate settlement.

(13) "Conviction" means:

(A) A criminal conviction in California; or

(B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.

(14) "County Placement" for purposes of this chapter means a child who is in the protective custody of the county and placed directly by the county child welfare services agency.

(15) "Criminal Record Clearance" means an individual has a California clearance and an FBI clearance.

(16) "Crisis Nursery" means a facility licensed by the Department pursuant to Section 1516 of the Health and Safety Code to provide short-term, 24-hour non-medical residential care and supervision for children under six years of age, who are either:

(A) Voluntarily placed, as defined in paragraph (v) of this section, by a parent or legal guardian due to a family crisis or a stressful situation, for no more than 30 days, or

(B) Temporarily placed by the county child welfare services agency, as defined in paragraph (c) (14) of this section, for no more than 14 days, unless the Department issues an exception.

(17) "Crisis Day Care" for purposes of this chapter means any place or building licensed as a crisis nursery in which child day care services are provided to children under six years of age for less than 30 calendar days in a six-month period for families in crisis or experiencing stressful situation.

(18) "Crisis Nursery Program Statement" means a written plan that identifies the client population, program structure and supervision, and provides specific program information. The crisis nursery program statement shall contain all the elements required in the plan of operation, as specified in Section 86522.

(d) (1) "Deficiency" means any failure to comply with any provision of the Community Care Facilities Act (Health and Safety Code, Section 1500 et seq.) and/or regulations adopted by the Department pursuant to the Act.

(2) "Department" for purposes of this chapter means the California Department of Social Services.

(3) "Developmental Disability" means a disability as defined in Welfare and Institutions Code Section 4512(a).

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(A) Welfare and Institutions Code Section 4512(a) provides in part: "Developmental disability" means a disability that originates before an individual attains age 18, continues, or can be expected to continue, indefinitely and constitutes a substantial disability for such individual.... [T]his term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental

retardation, but shall not include other handicapping conditions that are solely physical in nature.

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(4) "Director" means the director of the California Department of Social Services.

(5) "Disability" means a condition which makes a child developmentally disabled, mentally disordered or physically handicapped, and for whom special care and supervision is required as a result of his/her condition.

(e) (1) "Evaluator" or "Licensing Program Analyst" (LPA) means any person who is a duly authorized officer, employee or agent of the Department, including any officer, employee or agent of a county or other public agency authorized by the Department to license community care facilities.

(2) "Exception" means a written authorization issued by the Department to use alternative means which meet the intent of a specific regulation(s) and which are based on the unique needs or circumstances of a specific child(ren) or staff person(s). Exceptions are granted for particular children or staff person(s) and are not transferable or applicable to other children, staff person(s), facilities or licensees.

(3) "Exemption" means an exception to the requirements of Health and Safety Code Section 1522 and applicable regulations.

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(A) Health and Safety Code Section 1522(g) reads in part:

After review of the record, the director may grant an exemption from disqualification for a license or special permit as specified in paragraphs (1) and (4) of subdivision (a), or for a license, special permit, or certificate of approval as specified in paragraphs (4) and (5) of subdivision (d), or for employment, residence, or presence in a community care facility as specified in paragraphs (3), (4), and (5) of subdivision (c), if the director has substantial and convincing evidence to support a reasonable belief that the applicant and the person convicted of the crime, if other than the applicant, are of such good character as to justify issuance of the license or special permit or granting an exemption for purposes of subdivision (c).

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(f) (1) "Federal Bureau of Investigation (FBI) Clearance" means an individual has no felony or misdemeanor convictions reported by the FBI. However, the individual may have been arrested with no criminal conviction, convicted of a minor traffic offense, or adjudicated as a juvenile.

(2) "Family Crisis or Stressful Situation" means a crucial time or an unstable situation that has reached a critical phase where the parent or legal guardian has made a determination that temporary out-of-home care is in the child's best interest and is necessary for the parent or legal guardian to fulfill other responsibilities to improve or maintain the parenting function.

(g) (1) "Guardian" means a person appointed by the Superior Court pursuant to the provisions of Sections 1500 et seq. of the Probate Code or Section 360 of the Welfare and Institutions Code to care for the person, or estate, or the person and estate of another.

(h) (Reserved)

(i) (1) "Incident Report" means a written report required by the Department to report incidents as specified in Section 86561.

(2) "Infant" means a child under two years of age.

(3) "Initial Assessment Plan" means a time-limited, goal-oriented written plan implemented by the licensee which identifies the specific needs of an individual child and the child's family, including those items specified in Section 86568.2, and delineates those services necessary to meet those needs.

(j) (Reserved)

(k) (Reserved)

(l) (1) "Lead Caregiver" for purposes of this chapter means a person who meets the education, experience and training requirements specified in Section 86565 and is on the premises at all times when children are present and has the authority and responsibility necessary to manage and control the day-to-day operation of a crisis nursery.

(2) "License" means written authorization to operate a crisis nursery to provide care and supervision. The license is not transferable.

(3) "Licensee" means the adult, firm, partnership, association, corporation, county, city, public agency, or other governmental entity having the authority and responsibility for the operation of a crisis nursery.

(4) "Licensing Agency" means the California Department of Social Services or any state, county or other public agency authorized by the Department to assume specified licensing responsibilities pursuant to Section 1511 of the Health and Safety Code.

(m) (1) "Medical Professional" means an individual who is licensed or certified in California to perform the necessary medical procedures within his/her scope of practice. This includes, but is not limited to, Medical Doctor (MD), Registered Nurse (RN) and Licensed Vocational Nurse (LVN).

(n) (1) "Nonambulatory Person" means a person as defined in Health and Safety Code Section 13131.

(A) A person who uses postural supports as specified in Section 86572(c)(18) is deemed nonambulatory.

(B) A person is not deemed nonambulatory solely because he/she is deaf, blind, or prefers to use a mechanical aid.

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(C) Health and Safety Code Section 13131 provides:

"Nonambulatory persons" means persons unable to leave a building unassisted under emergency conditions. It includes any person who is unable, or likely to be unable, to physically and mentally respond to a sensory signal approved by the State Fire Marshal, or an oral instruction relating to fire danger, and persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. The determination of ambulatory or nonambulatory status of persons with developmental disabilities shall be made by the Director of Social Services or his or her designated representative, in consultation with the Director of Developmental Services or his or her designated representative. The determination of ambulatory or nonambulatory status of all other disabled persons placed after January 1, 1984 who are not developmentally disabled shall be made by the Director of Social Services or his or her designated representative.

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(o) (Reserved)

(p) (1) "Physician" means a person licensed as a physician and surgeon by the California Board of Medical Examiners or by the California Board of Osteopathic Examiners.

(2) "Placement agency" is defined in Health and Safety Code Sections 1536.1 and 1569.47(a).

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Health and Safety Code Sections 1536.1(a) and 1569.47(a) are combined and paraphrased in pertinent part:

"Placement agency" means any county probation department, county welfare department, county social service department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, state-funded program or private agency providing placement and referral services, conservator pursuant to Part 3 (commencing with Section 1800) of Division 4 of the Probate Code, conservator pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code, and Regional Center for persons with developmental disabilities, which is engaged in finding homes or other places for the placement of persons of any age for temporary or permanent care.

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(3) "PRN Medication" (pro re nata) means any nonprescription or prescription medication which is to be taken as needed.

(q) (Reserved)

(r) (1) "Rehabilitation" means the efforts to reestablish good character since the date of the last conviction, including but not limited to education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service.

(2) "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or such person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

(3) "Responsible person" means that individual or individuals, including a relative, health care surrogate decision maker, or placement agency, who assists the child or prospective child in placement or assumes varying degrees of responsibility for the child's well-being. A responsible person cannot act on behalf of a child unless authorized by law.

(s) (1) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health or safety of any child in a crisis nursery.

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(A) The following are examples of regulations that, if not complied with, nearly always result in a serious deficiency.

(1) Section 86510 relating to limitations on the capacity or ambulatory status of facility clients.

(2) Section 86519 relating to criminal record clearance.

(3) Section 86520 relating to fire clearance.

(4) Section 86521 relating to water supply.

(5) Section 86572 relating to children's personal rights.

(6) Section 86575 relating to storing and dispensing medications.

(7) Section 86576 relating to food storage, preparation and service.

(8) Section 86587 relating to safety of client accommodations.

(9) Section 86588 relating to hot water temperature, toilet facilities, storage and disposal of solid wastes.

(13) Any other regulation, the violation of which is deemed by the licensing agency to constitute a serious deficiency as defined in Section 86501s.(1).

HANDBOOK ENDS HERE

(2) "Simplified Exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code Section 1522(c)(4), if the individual's criminal history meets specific criteria established by Department regulation.

(3) "Social Worker" means a person who has a graduate degree from an accredited school of social work or social welfare.

(4) "Substantial Compliance" means the absence of any serious deficiencies.

(5) "Substantiated Complaint" means a complaint which has been investigated by the licensing agency, and, as a result, a violation of regulations or statute has been found.

(t) (Reserved)

(u) (1) "Unlicensed Community Care Facility" means a facility as defined in Section 1503.5 of the Health and Safety Code.

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Health and Safety Code Section 1503.5(a) provides in pertinent part:

(A) A facility shall be deemed to be an "unlicensed community care facility" and "maintained and operated to provide non-medical care" if it is unlicensed and not exempt from licensure and any one of the following conditions is satisfied:

(1) The facility is providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.

(2) The facility is held out as or represented as providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.

(3) The facility accepts or retains residents who demonstrate the need for care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.

(4) The facility represents itself as a licensed community care facility.

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(v) (1) "Voluntary Placement," notwithstanding Section 11400(o) of the Welfare and Institutions Code, for purposes of this chapter, means a child, who is not receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC), placed by a parent or legal guardian who retains physical custody of, and remains responsible for, the care of his or her children who are placed for temporary emergency care.

(2) "Volunteer" for purposes of this chapter, is a non-paid facility staff person who meets the training requirements as specified in Section 86565.

(w) (1) "Waiver" means a nontransferable written authorization issued by the licensing agency to use alternative means which meet the intent of a specific regulation and which are based on a facility-wide need or circumstance.

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

Authority Cited: Sections 1516 and 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1503, 1503.5, 1511, 1516, 1520, 1522, 1525, 1526, 1526.8, 1531, 1533, 1534, 1536.1, 1538, and 1538.5, Health and Safety Code; and Sections 11400 and 17710, Welfare and Institutions Code.

Article 2. LICENSE REQUIRED

Adopt Section 86505 to read:

86505 LICENSE REQUIRED 86505

(a) No adult, firm, partnership, association, corporation, county, city, public agency or other governmental entity shall operate, establish, manage, conduct or maintain a community care facility, or hold out, advertise or represent by any means to do so, without first obtaining a current valid license from the licensing agency.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1508, 1509, 1513, 1516, and 1531, Health and Safety Code; and Section 11400, Welfare and Institutions Code.

Adopt Section 86505.1 to read:

86505.1 CRISIS NURSERY LICENSE REQUIREMENTS 86505.1

(a) A crisis nursery shall be organized and operated on a nonprofit basis by a private nonprofit corporation or nonprofit public benefit corporation.

(b) A crisis nursery license shall be issued only if a facility meets one of the following conditions:

(1) The facility is operating currently as a group home for children under six years of age, or has an application on file with the Department as of September 1, 2004, intending to operate as a crisis nursery in any of the following counties:

(A) Contra Costa

(B) Nevada

(C) Placer

(D) Sacramento

(E) San Joaquin

(F) Stanislaus

(E) Yolo

(2) The facility meets an urgent, significant, and unmet need for temporary care of children under the age of six years.

(A) A letter from the host county indicating that the crisis nursery is necessary, as specified in Section 86505.1(b)(2), shall be provided to the licensing agency.

(3) The facility provides temporary emergency shelter and services only to children under the age of six years who are voluntarily placed, as defined in Section 86501(v)(1) by a parent or guardian, and the facility does not accept county placements as defined in Section 86501(c)(14).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1508, 1509, 1513, 1516, and 1531, Health and Safety Code; and Section11400, Welfare and Institutions Code.

Amend Section 86506 to read:

86506 OPERATION WITHOUT A LICENSE 86506

(a) An unlicensed facility as defined in Section 86501(u)(1), is in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code unless exempted from licensure pursuant to Section 86507.

(b) If the facility is alleged to be in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code, the licensing agency shall conduct a site visit and/or evaluation of the facility pursuant to Health and Safety Code Section 1538.

HANDBOOK BEGINS HERE

Health and Safety Code Section 1538(c) provides in part:

Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a community care facility..., the state department shall make a preliminary review and, unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection of the community care facility...within 10 days after receiving the complaint, except where a visit would adversely affect the licensing investigation or the investigation of other agencies. In either event, the complainant shall be promptly informed of the state department's proposed course of action.

HANDBOOK ENDS HERE

(c) If the facility is operating without a license, the licensing agency shall issue a notice of operation in violation of law and shall refer the case for criminal prosecution and/or civil proceedings.

(d) The licensing agency shall have the authority to issue an immediate civil penalty pursuant to Section 86558 and Section 1547 of the Health and Safety Code.

HANDBOOK BEGINS HERE

Section 1547 of the Health and Safety Code provides in part:

Notwithstanding any other provision of this chapter, any person who violates Section 1503.5 or 1508, or both, may be assessed by the department an immediate civil penalty in the amount of two hundred dollars ($200) per day of the violation. The civil penalty...shall be imposed if an unlicensed facility is operated and the operator refuses to seek licensure or the operator seeks

licensure and the licensure application is denied and the operator continues to operate the unlicensed facility.

HANDBOOK ENDS HERE

(e) Sections 86506(c) and (d) shall be applied pursuant to Section 1549 of the Health and Safety Code.

HANDBOOK BEGINS HERE

(1) Section 1549 of the Health and Safety Code states:

The civil, criminal, and administrative remedies available to the department pursuant to this article are not exclusive and may be sought and employed in any combination deemed advisable by the department to enforce this chapter.

HANDBOOK ENDS HERE

(f) The licensing agency shall notify the appropriate placement or protective service agency if either of the following conditions exist:

(1) There is an immediate threat to the childrens' health and safety.

(2) The facility does not submit an application for licensure within 15 calendar days of being served a notice of operation in violation of the law.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1503, 1503.5, 1505, 1508, 1516, 1524, 1533, 1536.1, 1538, 1540, 1540.1, 1541, 1547, and 1549, Health and Safety Code.

Adopt Section 86507 to read:

86507 EXEMPTION FROM LICENSURE 86507

(a) The provisions of this chapter shall not apply to those facilities and arrangements specified in Section 1505 of the Health and Safety Code.

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Health and Safety Code 1505 states in pertinent part:

This chapter does not apply to any of the following:

(a) Any health facility, as defined by Section 1250.

(b) Any clinic, as defined by Section 1202.

(c) Any juvenile placement facility approved by the California Youth Authority or any juvenile hall operated by a county.

(d) Any place in which a juvenile is judicially placed pursuant to subdivision (a) of Section 727 of the Welfare and Institutions Code.

(e) Any child day care facility, as defined in Section 1596.750.

(f) Any facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(g) Any school dormitory or similar facility determined by the Department.

(h) Any house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, provided that no resident thereof requires any element of care as determined by the Director.

(i) Recovery houses or other similar facilities providing a group living arrangements for persons recovering from alcoholism or drug addiction where the facility provides no care or supervision.

(j) Any alcoholism or drug abuse recovery or treatment facility as defined by Section 11834.11.

(k) Any arrangement for the receiving and care of persons by a relative or any arrangement for the receiving and care of persons from only one family by a close friend of the parent, guardian, or conservator, if the arrangement is not for financial profit and occurs only occasionally and irregularly, as defined by regulations of the department. For purposes of this chapter, arrangements for the receiving and care of persons by a relative shall include relatives of the child for the purpose of keeping sibling groups together.

(l) (1) Any home of a relative caregiver of children who are placed by a juvenile court, supervised by the county welfare or probation department, and the placement of whom is approved according to subdivision (d) of Section 309 of the Welfare and Institutions Code.

(2) Any home of a non-relative extended family member, as described in Section 362.7 of the Welfare and Institutions Code, providing care to children who are placed by a juvenile court, supervised by the county welfare or probations department, and the placement of whom is approved according to subdivision (d) of Section 309 of the Welfare and Institutions Code.

(m) Any supported living arrangement for individuals with developmental disabilities as defined in Section 4689 of the Welfare and Institutions Code.

(n)

(o) Any facility in which only Indian children who are eligible under the federal Indian Child Welfare Act, Chapter 21 (commencing with Section 1901) of Title 25 of the United States Code are placed and that is one of the following:

(1) An extended family member of the Indian child, as defined in Section 1903 of Title 25 of the United States Code.

(2) A foster home that is licensed, approved, or specified by the Indian child's tribe pursuant to Section 1915 of Title 25 of the United States Code.

(p)

(q) Any similar facility determined by the director.

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(b) The provisions of this chapter shall not apply to any school dormitory or similar facility where all of the following conditions exist:

(1) The school is certificated/registered by the State Department of Education.

(2) The school and the school dormitory are on the same grounds.

(3) All children accepted by the school are six years of age or older.

(4) The program operates only during normal school terms unless the academic program runs year-round.

(5) The school's function is educational only.

(6) The school program is not designated as providing rehabilitative or treatment services.

(7) The school's function does not promote intent to provide community care services, and the school does not accept children who are in need of such services, including but not limited to children with developmental disabilities, mental disorders or physical handicaps; juveniles declared dependents of the court under Welfare and Institutions Code Section 300; and juveniles declared wards of the court under Welfare and Institutions Code Sections 601 and 602.

(8) The facility does not receive any public funds designated for care including but not limited to AFDC-FC and SSI/SSP. The facility shall be permitted to receive public funds intended for educational programs.

(9) No public or private agency, including but not limited to county welfare departments and probation offices, provides social services to children in the facility.

(c) The provisions of this chapter shall not apply to the following additional situations:

(1) Any care and supervision of persons from only one family by a close friend of the parent, guardian or conservator, provided that such arrangement is not for financial profit and does not exceed 10 hours per week.

(A) Provision of longer hours of care shall not be precluded when provided for brief periods of time for reasons, including but not limited to family emergencies, vacation, and military leave.

(2) Any home exclusively used by a licensed or exempt Foster Family Agency and issued a certificate of approval by that agency.

(A) Such families shall not be required to obtain a license, but shall be in compliance with all other requirements set forth in this division. The home's compliance with requirements shall be monitored through and assured by the Foster Family Agency. For the purposes of this section, an exclusive-use facility shall mean a nonlicensed residential facility that has been certified by a licensed Foster Family Agency as conforming to the regulations pertaining to the Small Family Home Category. A home in the exclusive use of a licensed Foster Family Agency shall accept only those children placed by that agency which certified the home.

(3) A home which meets all of the following criteria:

(A) approved by a licensed adoption agency, or the Department, for the adoptive placement of a child, and

(B) the child is legally free for adoption, and

(C) the agency or the Department is providing supervision of the placement pending finalization of the adoption.

(4) A home which meets all of the following criteria:

(A) placement for adoption by a birth parent, and

(B) a petition for adoption has been filed by the prospective adoptive parents, and is pending, and

(C) a final decision on the petition has not been rendered by the court.

(5) Any care and supervision of persons by a relative, guardian or conservator. A relative, for purposes of this section, shall include individuals as specified in Health and Safety Code Section 1505(k).

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 17730, Welfare and Institutions Code.

Reference: Sections 1503, 1505, 1506, 1508, 1516, 1524, 1530, 1530.5, 1531, 1536.1, 1540, 1540.1, 1541, and 1547, Health and Safety Code.

Adopt Section 86508 to read:

86508 LICENSING OF INTEGRAL FACILITIES 86508

(a) Upon written application from the licensee, the licensing agency shall have the authority to issue a single license for separate buildings which might otherwise require separate licenses provided that all of the following requirements are met:

(1) Separate buildings or portions of the facility are integral components of a single program.

(2) All components of the program are managed by the same licensee.

(3) All components of the program are conducted at a single site with a common address.

(b) If (a) above does not apply, each separately licensed component of a single program shall be capable of independently meeting the provisions of applicable regulations as determined by the licensing agency.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1508, 1509, 1513, and 1516, Health and Safety Code.

Adopt Section 86509 to read:

86509 AVAILABILITY OF A LICENSE 86509

(a) The license shall be posted in a prominent, publicly accessible location in the facility.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1503, 1516, and 1531, Health and Safety Code.

Adopt Section 86510 to read:

86510 LIMITATIONS ON CAPACITY AND AMBULATORY STATUS 86510

(a) A licensee shall not operate a crisis nursery beyond the conditions and limitations specified on the license, including the capacity limitation.

(b) Facilities or rooms approved for ambulatory children only shall not be used by nonambulatory children.

(1) Children whose condition becomes nonambulatory shall not use rooms or areas restricted to ambulatory children.

(2) The licensing agency shall have the authority to require children who use ambulatory sections of the facility to demonstrate that they are ambulatory.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86511 to read:

86511 ADVERTISEMENTS AND LICENSE NUMBER 86511

(a) Licensees shall reveal each crisis nursery license number in all advertisements in accordance with Health and Safety Code Section 1514.

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(1) Health and Safety Code, Section 1514 provides:

(a) Each residential care facility licensed under this chapter shall reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients or residents.

(b) Advertisements, publications, or announcements subject to the requirements of subdivision (a) shall include, but are not limited to, those contained in the following:

(1) Newspaper or magazine.

(2) Consumer report.

(3) Announcement of intent to commence business.

(4) Telephone directory yellow pages.

(5) Professional or service directory.

(6) Radio or television commercial.

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(b) Correspondence shall be considered a form of advertisement if the intent is to attract clients.

(c) Licensees who operate more than one crisis nursery and use a common advertisement for these crisis nurseries shall be required to list each crisis nursery license number in accordance with Health and Safety Code Section 1514.

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1514 and 1516, Health and Safety Code.

Adopt Section 86512 to read:

86512 FALSE CLAIMS 86512

(a) No licensee, officer, or employee of a licensee shall make or disseminate any false or misleading statement regarding the crisis nursery or any of the services provided by the crisis nursery.

(b) No licensee, officer, or employee of a licensee shall alter a license, or disseminate an altered license.

(c) If a person is determined to have made, disseminated, participated in making, or caused to be made a false or misleading statement pursuant to Section 86512(a) above, and that statement has resulted in a crisis nursery overpayment being assessed pursuant to the Manual of Policies and Procedures Section 11-402.6 et seq., then such person shall not be eligible for a new license under Title 22, Division 6 or Division 12 and shall not be eligible to serve as an officer or employee of a new or subsequent licensee under Title 22, Division 6 or Division 12 until the crisis nursery overpayment is fully repaid or otherwise discharged.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1508, 1516, and 1531, Health and Safety Code.

Article 3. APPLICATION PROCEDURES

Adopt Section 86517 to read:

86517 APPLICANT NONDISCRIMINATION 86517

(a) Any adult shall be permitted to apply for a license regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, or ancestry.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1520, and 1530, Health and Safety Code.

Adopt Section 86518 to read:

86518 APPLICATION FOR A LICENSE 86518

(a) Any crisis nursery applicant desiring to obtain a license shall file with the licensing agency a verified application made available by the licensing agency.

(b) Prior to filing an application, the applicant shall attend a crisis nursery orientation provided by the licensing agency.

(1) The orientation shall cover, but not be limited to, the following areas:

(A) Completion of the application for license.

(B) Scope of operation subject to regulation by the Department.

(2) An applicant who is already licensed for a crisis nursery shall not be required to attend an orientation if the last orientation attended was for a crisis nursery and was within two (2) years of the next scheduled orientation.

(3) An applicant applying for more than one crisis nursery license, shall be required to attend only one orientation.

(c) The applicant/licensee shall cooperate with the licensing agency in providing verification and/or documentation as requested by the licensing agency.

(d) The application and supporting documents shall contain the following:

(1) Name or proposed name and address of the crisis nursery.

(2) Name, and residence and mailing addresses of applicant and the name, title and principal business address of each officer, executive director and member of the governing board.

(A) A copy of the articles of incorporation, constitution and bylaws.

(B) If the applicant is a corporation, each member of the board of directors, executive director, and any officer shall list the name of facilities which they have been licensed to operate, employed by or a member of the board of the directors, executive director or an officer.

(3) Name and address of owner of the crisis nursery premises if applicant is leasing or renting.

(4) Procedures for responding to incidents and complaints, as follows:

(A) The crisis nursery shall provide a procedure approved by the licensing agency for immediate response to incidents and complaints. This procedure shall include a method of assuring that the owner, licensee, or person designated by the owner or licensee, is notified of the incident, that the owner, licensee, or person designated by the owner or licensee has personally investigated the matter, and that the person making the complaint or reporting the incident has received a response of action taken or a reason why no action needs to be taken.

(B) In order to assure the opportunity for complaints to be made directly to the owner, licensee, or person designated by the owner or licensee, and to provide the opportunity for the owner, licensee, or person designated by the owner or licensee to meet residents and learn of problems in the neighborhood, the crisis nursery shall establish a fixed time on a weekly basis when the owner, licensee or person designated by the owner or licensee will be present.

(5) The category of facility to be operated.

(6) Maximum number of children to be served.

(7) Age range, sex and the categories of children to be served, including but not limited to children with developmental disabilities, mental disorders, physically handicapped and/or nonambulatory children.

(8) Hours or periods of the crisis nursery operation.

(9) Name of administrator.

(10) Information required by Health and Safety Code Section 1520(d).

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Health and Safety Code Section 1520(d) states:

Disclosure of the applicant's prior or present service as an administrator, general partner, corporate officer or director, of, or as a person who has held or holds a beneficial ownership of 10 percent or more in any community care facility or in any facility licensed pursuant to Chapter 1 (commencing with Section 1200) or Chapter 2 (commencing with Section 1250).

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(11) Information required by Health and Safety Code Section 1520(e).

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Health and Safety Code Section 1520(e) provides:

Disclosure of any revocation or other disciplinary action taken, or in the process of being taken, against a license held or previously held by the entities specified in subdivision (d).

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(12) Name, address and telephone number of the city or county fire department, the district providing fire protection services, or the State Fire Marshal's Office having jurisdiction in the area where the crisis nursery is located.

(13) A plan of operation as specified in Section 86522.

(14) A financial plan of operation on forms provided or approved by the Department.

(A) Start-up funds shall be available and shall include funds for the first three months of operation.

(B) Start-up funds shall be independent of prospective client fees. In cases of a change of ownership, expected income from clients currently in placement shall be considered.

(C) Start-up funds shall not include funds designated for or used for construction costs.

(D) The licensing agency shall have the authority to require written verification of the availability of the funds specified in (A) above.

(15) A written plan for training of staff and volunteers, as specified in Section 86565.

(16) A written plan for activities as specified in Section 86579.

(17) The name and residence and mailing addresses of the crisis nursery administrator, a description of the administrator's background and qualifications, and documentation verifying required education and experience requirements.

(18) Fingerprint images as specified in Section 86519.

(19) Information required by Health and Safety Code Section 1522.1.

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Prior to granting a license to, or otherwise approving, any individual to care for children, the department shall check the Child Abuse Registry pursuant to paragraph (3) of subdivision (b) of Section 11170 of the Penal Code. The department shall investigate any reports received from the Child Abuse Registry. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency which investigated the child abuse report. The department shall not deny a license based upon a report from the Child Abuse Registry unless child abuse is substantiated.

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(20) A health screening report on the applicant as specified in Section 86565(g).

(21) The fee for processing the application by the requested capacity as specified in Section 86536.

(22) Such other information as may be required pursuant to Section 1520(g) of the Health and Safety Code.

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Health and Safety Code Section 1520(g) provides:

Any other information that may be required by the department for the proper administration and enforcement of this chapter.

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(e) The application shall be signed by the applicant.

(1) The application shall be signed by the chief executive officer or authorized representative.

(f) The application shall be filed with the licensing agency which serves the geographical area in which the facility is located.

(g) Each applicant shall obtain a signed form, LIC 165 from each member of the board of directors. A copy of each signed LIC 165 shall be submitted to the Department.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1520, 1522, 1522.1, 1523.1, and 1524.5, Health and Safety Code.

Adopt Section 86519 to read:

86519 CRIMINAL RECORD CLEARANCE 86519

(a) The Department shall conduct a criminal record review of all individuals specified in Health and Safety Code Section 1522(b) and shall have the authority to approve or deny a crisis nursery license, or employment, residence, or presence in the crisis nursery, based upon the results of such review.

(1) Volunteers in a crisis nursery shall be fingerprinted for the purpose of conducting a criminal record review as specified in Section 1526.8(b)(1) of the Health and Safety Code.

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Section 1526.8(b)(1) of the Health and Safety Code states in part:

Volunteers shall be fingerprinted for the purpose of conducting a criminal record review as specified in subdivision (b) of Section 1522.

Section 1522(a) of the Health and Safety Code states in part:

(1) Before issuing a license or special permit to any person or persons to operate or manage a community care facility, the State Department shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other person specified in subdivision (b) has ever been convicted of a crime other than a minor traffic violation or arrested for any crime specified in Section 290 of the Penal Code for violating Section 245, 273.5, of the Penal Code, subdivision (b) of Section 273a of the Penal Code, or prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department cannot grant an exemption if the person was convicted and the person has not been exonerated.

(2) The criminal history information shall include the full criminal record, if any, of those persons, and subsequent arrest information pursuant to Section 11105.2 of the Penal Code.

(3) Except during the 2003-04 and 2004-05 fiscal years, neither the Department of Justice nor the State Department of Social Services may charge a fee for the fingerprinting of an applicant for a license or special permit to operate a facility providing non-medical board, room, and care for six or less children or for obtaining a criminal record of the applicant pursuant to this section.

(4) The following shall apply to the criminal record information:

(A) If the State Department of Social Services finds that the applicant, or any other person specified in subdivision (b), has been convicted of a crime other than a minor traffic violation, and the application shall be denied, unless the director grants an exemption pursuant to subdivision (g).

(B) If the State Department of Social Services finds that the applicant, or any other person specified in subdivision (b) is awaiting trial for a crime other than a minor traffic violation, the State Department of Social Services may cease processing the application until the conclusion of the trial.

(C) If no criminal record information has been recorded, the Department of Justice shall provide the applicant and the California Department of Social Services with a statement of that fact.

Section 1522(b) of the Health and Safety Code provides in part:

(1) In addition to the applicant, this section shall be applicable to criminal convictions of the following persons:

(A) Adults responsible for administration or direct supervision of staff.

(B) Any person, other than a client, residing in the facility.

(C) Any person who provides client assistance in dressing, grooming, bathing, or personal hygiene. Any nurse assistant or home health aide meeting the requirements of 1338.5 or 1736.6, respectively, who is not employed, retained or contracted by the licensee, and who has been certified or recertified on or after July 1, 1998, shall be deemed to meet the criminal record clearance requirements of this section. A certified nurse assistant and certified home health aide who will be providing client assistance and who fall under this exemption shall provide one copy of his or her current certification, prior to providing care, to the adult community care facility. Nothing in this paragraph restricts the right of the department to exclude a certified nurse assistant or certified home health aide from a licensed community care facility pursuant to Section 1558.

(D) Any staff person, volunteer, or employee who has contact with the clients.

(E) If the applicant is a firm, partnership, association, or corporation, the chief executive officer or other person serving in like capacity.

(F) Additional officers of the governing body of the applicant, or other persons with a financial interest in the applicant, as determined necessary by the department by regulation. The criteria used in the development of these regulations shall be based on the person's capability to exercise substantial influence over the operation of the facility.

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(b) The following persons are exempt from the requirement to submit fingerprints:

(1) A medical professional, as defined by the Department in regulations, who holds a valid license or certification from the individual's governing California medical care regulatory entity and who is not employed, retained, or contracted by the licensee, if all of the following apply:

(A) The criminal record of the individual has been cleared as a condition of licensure or certification by the individual's California medical care regulatory entity.

(B) The individual is providing time-limited specialized clinical care or services.

(C) The individual is providing care or services within the individual's scope of practice.

(D) The individual is not a community care facility licensee or an employee of the facility.

(2) A third-party repair person, or similar retained contractor, if all of the following apply:

(A) The individual is hired for a defined, time-limited job.

(B) The individual is not left alone with children.

(C) When children are present in the room in which the repair person or contractor is working, a staff person who has a criminal record clearance or exemption is also present.

(3) Employees of a licensed home health agency and other members of licensed hospice interdisciplinary teams who have a contract for a child of the crisis nursery, and are in the crisis nursery at the request of that child's legal decision maker.

(A) The exemption shall not apply to a person who is a licensee or an employee of the crisis nursery.

(4) Clergy and other spiritual caregivers who are performing services in common areas of the crisis nursery, or who are advising an individual child at the request of, or with the permission of, the child's legal decision maker.

(A) This exemption shall not apply to a person who is a licensee or an employee of the crisis nursery.

(5) Members of fraternal, service and similar organizations who conduct group activities for children in a care, if all of the following apply:

(A) Members are not left alone with the children.

(B) Members do not take children off the crisis nursery premises.

(C) The same group does not conduct such activities more often than once a month.

(6) Nothing in this paragraph shall prevent a licensee from requiring a criminal record clearance of any individual exempt from the requirements of this section, provided that the individual has client contact.

(c) Prior to the Department issuing a license, the applicant, administrator and any employee/volunteer of the crisis nursery shall obtain a California criminal record clearance or exemption as specified in Health and Safety Code Section 1522(a)(4).

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Health and Safety Code Section 1522(a)(4) provides in part:

An applicant and any other person specified in subdivision (b) of the Health and Safety Code Section 1522 shall submit a second set of fingerprints to the Department of Justice for the purpose of searching the criminal records of the Federal Bureau of Investigation, in addition to the criminal records search required by this subdivision. If an applicant and all other persons described in subdivision (b) of Health and Safety Code Section 1522 meet all of the conditions for licensure, except the receipt of the Federal Bureau of Investigation's criminal history information for the applicant or any of the persons described in subdivision (b) of Health and Safety Code Section 1522, the Department may issue a license if the applicant and each person described in subdivision (b) of Health and Safety Code Section 1522 has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction, as defined in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after licensure, the

department determines that the licensee or any other person specified in subdivision (b) of Health and Safety Code Section 1522 has a criminal record, the license may be revoked pursuant to Health and Safety Code Section 1550. The Department may also suspend the license pending as administrative hearing pursuant to Health and Safety Code Section 1550.5.

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(d) All individuals subject to criminal record review shall be fingerprinted and sign a Criminal Record Statement (LIC 508 [Rev. 1/03]) under penalty of perjury.

(1) A person signing the LIC 508 must:

(A) Declare whether he/she has been convicted of a crime, other than a minor traffic violation as specified in Section 86519(i) regardless of whether the individual was granted a pardon for the conviction, received an expungement pursuant to Penal Code 1203.4 or the individual's record was sealed as a result of a court order.

(B) If convicted of a crime other than a minor traffic violation, provide information regarding the conviction.

(2) The licensee shall submit these fingerprints to the California Department of Justice, along with a second set of fingerprints for the purpose of searching the records of the Federal Bureau of Investigation, or to comply with the requirements of Section 86519(e), prior to the individual's employment, residence, or initial presence in the crisis nursery.

(A) Fingerprints shall be submitted to the California Department of Justice by the licensee, or sent by electronic transmission to the California Department of Justice by a fingerprinting entity approved by the Department.

(e) All individuals subject to a criminal record review pursuant to Health and Safety Code Section 1522 shall prior to working, residing or volunteering in a licensed crisis nursery:

(1) Obtain a California clearance or a criminal record exemption as required by the Department or

(2) Request a transfer of a criminal record clearance as specified in Section 86519(f) or

(3) Request and be approved for a transfer of a criminal record exemption, as specified in Section 86519.1, unless, upon request for the transfer, the Department permits the individual to be employed, reside or be present at the crisis nursery.

(f) A licensee or applicant for a license may request a transfer of a criminal record clearance from one state licensed facility to another, or from TrustLine to a state licensed facility by providing the following documents to the Department:

(1) A signed Criminal Background Clearance Transfer Request, LIC 9182 (Rev. 4/02).

(2) A copy of the individual's:

(A) Driver's license, or

(B) Valid identification card issued by the Department of Motor Vehicles, or

(C) Valid photo identification issued by another state or the United States government if the individual is not a California resident.

(3) Any other documentation required by the Department [e.g., Criminal Record Statement - LIC 508, (Rev. 1/03) which is incorporated by reference, and job description].

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Health and Safety Code Section 1522(h) states in part:

The State Department of Social Services shall hold criminal record clearances in its active files for a minimum of two years after an employee is no longer employed at a licensed facility in order for the criminal record clearances to be transferred.

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(g) Violation of Section 86519(e) shall result in a citation of a deficiency and an immediate assessment of civil penalties of one hundred dollars ($100) per violation per day for a maximum of five (5) days by the Department.

(1) Subsequent violations within a twelve (12) month period shall result in a civil penalty of one hundred dollars ($100) per violation per day for a maximum of thirty (30) days.

(2) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1548.

(h) Violation of Section 86519(e) may result in a denial of the license application or suspension and/or revocation of the license.

(i) If the criminal record transcript of any of the individuals specified in Health and Safety Code Section 1522(b) discloses a plea or verdict of guilty or a conviction following a plea of nolo contendere for any crime other than a minor traffic violation for which the fine was less than $300, and an exemption pursuant to Section 86519.1 has not been granted, the Department shall take the following actions:

(1) For initial applicants, denial of the application.

(2) For current licensees, the Department may institute an administrative action, including, but not limited to, revocation of the license.

(3) For current employees or volunteers, exclude the affected individual pursuant to Health and Safety Code Section 1558, and deny the application or revoke the license, if the individual continues to provide services and/or reside at the facility.

(j) The Department shall notify the licensee and the affected individual associated with the crisis nursery, in concurrent, separate letters, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

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Section 1522(c) of the Health and Safety Code states in part:

(3) Except for persons specified in paragraph (2) of subdivision (b), the licensee shall endeavor to ascertain the previous employment history of persons required to be fingerprinted under this subdivision. If it is determined by the California Department of Social Services, on the basis of the fingerprints submitted to the Department of Justice, that the person has been convicted of, or is awaiting trial for a sex offense against a minor, or has been convicted for an offense specified in Section 243.4, 273a, 273d or subdivision (a) or (b) of Section 368 of the Penal Code, or has been convicted of a felony, the California Department of Social Services shall notify the licensee to act immediately to terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility. The California Department of Social Services may subsequently grant an exemption pursuant to subdivision (g). If the conviction was for another crime except a minor traffic

violation, the licensee shall, upon notification by the California Department of Social Services, act immediately to either (1) terminate the person's employment, remove the person from the child day care facility, or bar the person from entering the child day care facility; or (2) seek an exemption pursuant to subdivision (g). The department shall determine if the person shall be allowed to remain in the facility until a decision on the exemption is rendered.

(4) The department may issue an exemption on its own motion pursuant to subdivision (g) if the person's criminal history indicates that the person is of good character based on the age, seriousness, and frequency of the conviction or convictions. The department, in consultation with interested parties, shall develop regulations to establish the criteria to grant an exemption pursuant to this paragraph.

Section 1522(e) of the Health and Safety Code states in part:

The California Department of Social Services shall not use a record of arrest to deny, revoke, or terminate any application, license, employment, or residence unless the department investigates the incident and secures evidence, whether or not related to the incident or arrest, that is admissible in an administrative hearing to establish conduct by the person that may pose a risk to the health and safety of any person who is or may become a client.

Section 243.4 of the Penal Code states in part:

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, gratification, or abuse, is guilty of sexual battery. Such an act is punishable by either imprisonment in the county jail for not more than one year or in the state prison for two, three, or four years.

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, gratification, or abuse, is guilty of sexual battery. Such an act is punishable by either imprisonment in the county jail for not more than one year or in the state prison for two, three, or four years.

Section 273a of the Penal Code states:

(a) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 3 or 4 years.

(b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

Section 273d of the Penal Code states in part:

Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 4 or 6 years, or in the county jail for not more than one year, or by a fine of up to six thousand dollars ($6,000) or by both.

Section 368 of the Penal Code states in part:

(b) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult, with knowledge that he or she is an elder or a dependent adult, to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent adult to be placed in a situation such that his or her person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for two, three, or four years.

(c) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult, with knowledge that he or she is an elder or a dependent adult, to suffer, or inflicts thereon unjustifiable

physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation such that his or her person or health may be endangered, is guilty of a misdemeanor.

Section 1522(c) of the Health and Safety Code states in part:

If the conviction or arrest was for another crime, except a minor traffic violation, the licensee shall, upon notification by the California Department of Social Services, act immediately to either (1) terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility; or (2) seek an exemption pursuant to subdivision (f). The California Department of Social Services shall determine if the person shall be allowed to remain in the facility until a decision on the exemption is rendered.

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(j) The licensee shall maintain documentation of criminal record clearances or criminal record exemptions of employees and volunteers in the individual's personnel file as required in Section 86566.

(1) Documentation shall be available for inspection by the Department.

(k) The Department may seek verification from a law enforcement agency or court of an individual's criminal record as reported to the Department from any member of the public or affected individual.

(1) Upon obtaining confirmation from a law enforcement agency or court of the offense, the Department shall proceed as if this criminal record information was provided by the California Department of Justice.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1503.5, 1505, 1508, 1522, 1526.8, 1531, 1533, 1538, 1540, 1540.1, 1547, 1548, and 1549, Health and Safety Code.

Amend Section 86519.1 to read:

86519.1 CRIMINAL RECORD EXEMPTION 86519.1

(a) The Department will notify a licensee to act immediately to remove from the crisis nursery or bar from entering the crisis nursery any person described in Sections 86519.1 (a)(1) through (5) below while the Department considers granting or denying an exemption. Upon notification, the licensee shall comply with the notice.

(1) Any person who has been convicted of, or is awaiting trial for, a sex offense against a minor;

(2) Any person who has been convicted of a felony;

(3) Any person who has been convicted of an offense specified in Sections 243.4, 273a, 273d, 273g, or 368 of the Penal Code or any other crime specified in Health and Safety Code Section 1522(c)(3);

(4) Any person who has been convicted of any crime specified below:

(A) Battery

(B) Shooting at Inhabited Dwelling

(C) Corporal Injury on Spouse/Cohabitant

(D) Discharging Firearm with Gross Negligence

(E) Exhibiting Weapon/Firearm

(F) Threat to Commit a Crime Resulting in Gross Bodily Injury or Death

(G) Criminal Threat to Harm or Injure Another Person

(H) Cruelty to Animals

(I) Willful Harm or Injury to Child; or

(5) Any other person ordered to be removed by the Department.

(b) In addition to the requirements of Section 86519.1(a), the licensee must return the confirmation of removal form that is sent by the Department, within five (5) days of the date of the form, that confirms under penalty of perjury that the individual has been removed from the crisis nursery.

(1) Confirmation must be made on either a Removal Confirmation – Exemption Needed, LIC 300A (Rev. 9/03), Removal Confirmation - Denial, LIC 300B (Rev. 9/03), Removal Confirmation - Rescinded, LIC 300C (Rev. 9/03), or Removal Confirmation – Nonexemptible, LIC 300D (Rev. 9/03).

(c) After a review of the criminal record transcript, the Department may grant an exemption if:

(1) The applicant/licensee requests an exemption in writing for himself or herself, or

(2) The applicant/licensee requests an exemption in writing for an individual associated with the crisis nursery, or

(3) The applicant/licensee chooses not to seek an exemption on the affected individual's behalf, the affected individual requests an individual exemption in writing, and

(4) The affected individual presents substantial and convincing evidence to the Department that he/she has been rehabilitated and presently is of such good character as to justify being issued or maintaining a license, employment, or presence, in a licensed crisis nursery.

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 86519.1(c)(4). The Department will notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

(1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.

(2) The notice shall list the information that must be submitted to request a criminal record exemption.

(3) The information must be submitted within forty-five (45) days of the date of the Department's notice.

(A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department including, but not limited to, police reports and certified court documents to process the exemption request, pursuant to Section 86519.1(e).

(B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or a dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within 45 days of the date of the notice, the Department may cease processing the exemption request and close the case.

(C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within 45 days of the date of the notice, the Department may deny the exemption request.

(D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

1. Chooses not to request the exemption and

2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history, or

3. Removes the individual who resides in the facility after receiving notice of the individual's criminal history.

(e) The Department shall consider factors including, but not limited to, the following as evidence of good character and rehabilitation:

(1) The nature of the crime including, but not limited to, whether it involved violence or a threat of violence to others.

(2) Period of time since the crime was committed and number of offenses.

(3) Circumstances surrounding the commission of the crime that would demonstrate the unlikelihood of repetition.

(4) Activities since conviction, including employment or participation in therapy or education, that would indicate changed behavior.

(5) Granting by the Governor of a full and unconditional pardon.

(6) Character references.

(A) All character references shall be on a Reference Request form (LIC 301E – Exemptions [Rev. 7/03]).

(7) A certificate of rehabilitation from a superior court.

(8) Evidence of honesty and truthfulness as revealed in exemption application documents.

(A) Documents include, but are not limited to:

1. A Criminal Record Statement (LIC 508, [Rev. 1/03]) and

2. The individual's written statement/explanation of the conviction and the circumstances about the arrest.

(9) Evidence of honesty and truthfulness as revealed in exemption application interviews and conversations with the Department.

(f) The Department shall also consider the following factors in evaluating a request for an exemption:

(1) Position held in the crisis nursery.

(2) The individual's age at the time the crime was committed.

(g) The Department may deny an exemption request if:

(1) The licensee and/or the affected individual fails to provide documents requested by the Department, or

(2) The licensee and/or the affected individual fails to cooperate with the Department in the exemption process.

(h) The reasons for any exemption granted or denied shall be in writing and kept by the Department.

(1) Exemption denial notices shall specify the reason the exemption was denied.

(i) The Department has the authority to grant a criminal record exemption that places conditions on the individual's continued licensure, and employment or presence in a licensed crisis nursery.

(j) It shall be conclusive evidence that the individual is not of such good character as to justify issuance of an exemption if the individual:

(1) Makes a knowingly false or misleading statement regarding:

(A) Material relevant to their application for a criminal record clearance or exemption,

(B) His or her criminal record clearance or exemption status to obtain employment or permission to be present in a licensed crisis nursery, after the Department has ordered that they be excluded from any or all licensed facilities, or

(C) His or her criminal record clearance or exemption status in order to obtain a position with duties that are prohibited to him/her by a conditional exemption; or

(2) Is on probation or parole.

(A) If the individual is currently on probation, and provides sufficient proof that the probationary period(s) is informal, unsupervised and no probation officer is assigned, the Department may, in its discretion, grant a criminal record exemption notwithstanding Section 86519.1(j)(2).

(k) The Department shall consider granting a criminal record exemption if the individual's criminal history meets all of the applicable criteria specified in Sections 86519.1(k)(1) through (6) and the individual provides the Department with substantial and convincing evidence of good character as specified in Section 86519.1(c)(4). For purposes of this section, a violent crime is a crime that, upon evaluation of the code section violated or the reports regarding the underlying offense, presents a risk of harm or violence.

(1) The individual has been convicted of one nonviolent misdemeanor, and one year has lapsed since completing the most recent period of incarceration or probation.

(2) The individual has been convicted of two or more nonviolent misdemeanors and four consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.

(3) The individual has been convicted of one or more violent misdemeanors and 15 consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.

(4) The individual has been convicted of one nonviolent felony and four consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.

(5) The individual has been convicted of two or more nonviolent felonies and ten consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.

(6) The individual has not been convicted of a violent felony.

(7) If the individual is currently on probation, and provides sufficient proof that the probationary period(s) is informal, unsupervised and no probation officer is assigned, the period of lapsed time required in Sections 86519.1(k)(1) through (5) above shall begin from the last date of conviction(s).

(l) It shall be a rebuttable presumption that an individual is not of such good character as to justify the issuance of an exemption if the individual fails to meet the requirements specified in Sections 86519.1(k)(1) through (6).

(m) The Department shall not grant an exemption if the individual has a conviction for any offense specified in Section 1522(g)(1) of the Health and Safety Code.

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Health and Safety Code Section 1522(g)(1) provides that no exemption shall be granted if an individual has been convicted of any of the following offenses:

(1) Penal Code Sections 136.1 and 186.22 – Gang related/Intimidation of witnesses or victims.

(2) Penal Code Sections 187, 190 through 190.4 and 192(a) – Any murder/Attempted murder/Voluntary manslaughter.

(3) Penal Code Section 203 – Any mayhem.

(4) Penal Code Section 206 - Felony torture.

(5) Penal Code Sections 207, 208, 209, 209.5, 210 – Kidnapping.

(6) Penal Code Sections 211, 212.5, 213, 214 – Any robbery.

(7) Penal Code Section 215 – Carjacking.

(8) Penal Code Section 220 – Assault with intent to commit mayhem, rape, sodomy or oral copulation.

(9) Penal Code Section 243.4 – Sexual battery.

(10) Penal Code Section 261(a), (a)(1), (2), (3), (4) or (6) – Rape.

(11) Penal Code Section 262(a)(1) or (4) – Rape of a spouse.

(12) Penal Code Section 264.1 – Rape in concert.

(13) Penal Code Section 266 – Enticing a minor into prostitution.

(14) Penal Code Section 266c – Induce to sexual intercourse, etc. by fear or consent through fraud.

(15) Penal Code Section 266h(b) – Pimping a minor.

(16) Penal Code Section 266i(b) – Pandering a minor.

(17) Penal Code Section 266j – Providing a minor under 16 for lewd or lascivious act.

(18) Penal Code Section 267 – Abduction for prostitution.

(19) Penal Code Section 269 – Aggravated assault of a child.

(20) Penal Code Section 272 – Contributing to the delinquency of a minor (must involve lewd or lascivious conduct).

(21) Penal Code Section 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994] – Willfully causing or permitting any child to suffer under circumstances or conditions likely to produce great bodily harm or death.

(22) Penal Code Section 273d – Willfully inflicting any cruel or inhuman corporal punishment or injury on a child.

(23) Penal Code Section 285 – Incest.

(24) Penal Code Section 286 – Sodomy.

(25) Penal Code Section 288 – Lewd or lascivious act upon a child under 14.

(26) Penal Code Section 288a – Oral copulation.

(27) Penal Code Section 288.2 – Felony conviction for distributing lewd material to children.

(28) Penal Code Section 288.5(a) – Continuous sexual abuse of a child.

(29) Penal Code Section 289 – Genital or anal penetration or abuse by any foreign or unknown object.

(30) Penal Code Section 290(a) – All crimes for which one must register as a sex offender including attempts and not guilty by insanity.

(31) Penal Code Section 311.2(b), (c) or (d) – Transporting or distributing child-related pornography.

(32) Penal Code Section 311.3 – Sexual exploitation of a child.

(33) Penal Code Section 311.4 – Using a minor to assist in making or distributing child pornography.

(34) Penal Code Section 311.10 – Advertising or distributing child pornography.

(35) Penal Code Section 311.11 – Possessing child pornography.

(36) Penal Code Section 314 paragraphs 1 or 2 – Lewd or obscene exposure of private parts.

(37) Penal Code Section 347(a) – Poisoning or adulterating food, drink, medicine, pharmaceutical products, spring, well, reservoir or public water supply.

(38) Penal Code Section 368 – Elder or dependent adult abuse.

(39) Penal Code Section 417(b) – Drawing, exhibiting or using a loaded firearm.

(40) Penal Code Section 451(a) or (b) – Arson.

(41) Penal Code Section 460(a) – First degree burglary if it is charged and proved that a non-accomplice was present in the residence during the burglary.

(42) Penal Code Sections 186.22 and 518 – Gang related/Extortion.

(43) Penal Code Section 647.6 or prior to 1988 former Section 647a – Annoy or molest a child under 18.

(44) Penal Code Section 653f(c) – Solicit another to commit rape, sodomy, etc.

(45) Penal Code Sections 664/187 – Any attempted murder.

(46) * Penal Code Section 667.5(c)(7) – Any felony punishable by death or imprisonment in the state prison for life.

(47) * Penal Code Section 667.5(c)(8) – Enhancement for any felony which inflicts great bodily injury.

(48) Penal Code Section 667.5(c)(13) – Enhancement for violation of Penal Code Section 12308, 12309 or 12310 – Exploding or igniting or attempting to explode or ignite any destructive device or explosive with intent to commit murder.

(49) Penal Code Section 667.5(c)(14) - Any kidnapping – Penal Code Sections 207, 208, 209, 209.5 and 210.

(50) Penal Code Section 667.5(c)(22) - Any violation of Penal Code Section 12022.53 – Enhancement for listed felonies where use of a firearm.

(51) Penal Code Section 667.5(c)(23) – Use of weapon of mass destruction.

(52) Business and Professions Code Section 729 – Felony sexual exploitation by a physician, psychotherapist, counselor, etc.

* See Health and Safety Code Section 1522(g)(1) for exception.

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(n) The Department shall consider granting a simplified criminal record exemption only if the individual has the criminal history profile outlined in Sections 86519.1(n)(1) through (4) below:

(1) The individual does not have a demonstrated pattern of criminal activity;

(2) The individual has no more than one conviction;

(3) The conviction is a misdemeanor and is a crime that is nonviolent and does not pose a risk of harm to an individual; and

(4) It has been at least five consecutive years since the completion of the most recent period of incarceration or supervised probation.

(o) At the Department's discretion, an individual who is otherwise eligible for a simplified exemption may be required to go through the standard exemption

process if the Department determines such action will help to protect the health and safety of children.

(p) If the Department denies or cannot grant a criminal record exemption the Department shall:

(1) For initial applicants, deny the application.

(2) For current licensees, the Department may institute an administrative action, including, but not limited to, revocation of the license.

(3) For current employees, exclude the affected individual pursuant to Health and Safety Code Section 1558, deny the application or revoke the license, if the individual continues to provide services at the crisis nursery.

(4) For employees of the crisis nursery or the licensee, exclude the affected individual pursuant to Health and Safety Code Section 1558, deny the application or revoke the license, if the individual continues to provide services at the facility.

(q) If a request for an exemption has been denied, the individual shall be excluded for a period of two years unless the individual has been convicted of a crime for which no exemption may be granted pursuant to Section 86519.1(m). If a request for an exemption has been denied based on a conviction of a crime for which no exemption may be granted, the individual shall be excluded for the remainder of the individual's life.

(1) If the Department determines during the review of an exemption request, that the individual was denied an exemption for a conviction of a crime for which an exemption may be granted within the preceding two years, the Department shall cease any further review of the request until two years have elapsed from the date of the denial. In cases where the individual requested a hearing on an exemption denial, the Department shall cease review of the request for an exemption until two years from the effective date of the decision and order of the Department upholding the denial. In cases where the individual submitted a petition for reinstatement or reduction in penalty pursuant to Government Code Section 11522 that was denied, the Department shall cease review of the request for an exemption until two years from the effective date of the decision and order of the Department denying the petition.

(2) An exclusion order based solely upon a denied exemption shall remain in effect and the individual shall not be employed in or present in a licensed crisis nursery, unless either a petition or an exemption is granted.

(3) If an individual who has previously been denied an exemption re-applies after the relevant time period described in Section 86519.1(q)(1) above, the Department may, according to the provisions in Sections 86519.1 et seq., grant or deny the subsequent request for an exemption.

(4) If an individual submits a petition pursuant to Government Code Section 11522 for reinstatement or reduction of penalty for an exclusion, an individual must submit his/her fingerprints through an electronic fingerprinting system approved by the Department and submit to the Department a statement of the reason why the individual should be permitted to work or be present in a crisis nursery, along with all information required of an individual requesting a criminal record exemption as provided in Section 86519.1. If it is determined, based upon information provided by the Department of Justice, that the individual has been convicted of a crime for which no exemption may be granted, the petition shall be denied. An individual's failure to submit fingerprints or other information as requested by the Department, shall be grounds for denial of the petition. The burden shall be on the petitioner to prove sufficient rehabilitation and good character to justify the granting of the petition.

(r) A licensee or applicant for a crisis nursery license may request a transfer of a criminal record exemption from one state licensed facility to another by providing the following documents to the Department:

(1) A signed Criminal Record Exemption Transfer Request, LIC 9188 (Rev. 9/03).

(2) A copy of the individual's:

(A) Driver's license, or

(B) Valid identification card issued by the Department of Motor Vehicles, or

(C) Valid photo identification issued by another state or the United States Government if the individual is not a California resident.

(3) Any other documentation required by the Department.

(s) The Department may consider factors including, but not limited to, the following in determining whether or not to approve an exemption transfer:

(1) The basis on which the Department granted the exemption;

(2) The nature and frequency of contact with children in the new position;

(3) The category of facility where the individual wishes to transfer;

(4) The type of clients in the facility where the individual wishes to transfer;

(5) Whether the exemption was appropriately evaluated and granted in accordance with existing exemption laws or regulations; or

(6) Whether the exemption meets current exemption laws or regulations.

(t) If the Department denies the individual's request to transfer a criminal record exemption, the Department shall provide the individual and the licensee with written notification that states the Department's decision and informs the affected individual of their right to an administrative hearing to contest the Department's decision.

(u) At the Department's discretion, an exemption may be rescinded if it is determined that:

(1) The exemption was granted in error, or

(2) The exemption does not meet current exemption laws or regulations, or

(3) The conviction for which an exemption was granted subsequently becomes non-exemptible by law.

(v) The Department may rescind an individual's criminal record exemption if the Department obtains evidence showing that the individual engaged in conduct that is inconsistent with the good character requirement of a criminal record exemption, as evidenced by factors including, but not limited to, the following:

(1) Violations of licensing laws or regulations;

(2) Any conduct by the individual that indicates that the individual may pose a risk to the health and safety of any individual who is or may be a child;

(3) Nondisclosure of a conviction or evidence of lack of rehabilitation that the individual failed to disclose to the Department, even if it occurred before the exemption was issued; or

(4) The individual is convicted of a subsequent crime.

(w) If the Department rescinds an exemption the Department shall:

(1) Notify the licensee and the affected individual in writing; and

(2) Initiate an administrative action.

(x) If the Department learns that an individual with a criminal record clearance or exemption has been convicted of a subsequent crime, the Department, at its sole discretion, may immediately initiate an administrative action to protect the health and safety of children in a crisis nursery.

Authority Cited: Section 1522 and 1530, Health and Safety Code.

Reference: Sections 1516, 1522, and 1531, Health and Safety Code; and Gresher v. Anderson (2005) 127 Cal. App. 4th 88.

Adopt Section 86519.2 to read:

86519.2 CHILD ABUSE CENTRAL INDEX 86519.2

(a) Prior to issuing a crisis nursery license, the Department shall conduct a Child Abuse Central Index (CACI) review pursuant to Health and Safety Code Section 1522.1 and Penal Code Section 11170(b)(3). The Department shall check the CACI for the applicant(s), and all individuals subject to a criminal record review, pursuant to Health and Safety Code Section 1522(b) and shall approve or deny a crisis nursery license, employment, residence or presence in the crisis nursery based on the results of the review.

(1) The applicant shall submit the Child Abuse Central Index check (LIC 198A [3/99] which is incorporated by reference, for state licensed facilities and LIC 198 [2/01] which is incorporated by reference, for county licensed facilities) for all individuals required to be checked, directly to the California Department of Justice at the same time that the individual's fingerprints are submitted for a criminal background check as required by Section 86519.

(A) Individuals who have submitted the Child Abuse Central Index check (LIC 198A) with fingerprints on or after January 1, 1999 need not submit a new check if the individual can transfer their criminal record clearance or exemption pursuant to Section 86519(e) or Section 86519.1(f).

(2) The Department shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protection agency that investigated the child abuse report. The Department shall not deny a license based upon a report from the CACI unless the Department substantiates the allegation of child abuse.

(b) Subsequent to licensure, all individuals subject to a criminal record review, pursuant to Health and Safety Code Section 1522(b), shall complete a Child Abuse Central Index check (LIC 198A), prior to employment, residence or initial presence in the crisis nursery.

(1) The licensee shall submit the Child Abuse Central Index checks (LIC 198A), directly to the California Department of Justice at the same time that the individual's fingerprints are submitted for a criminal background check as required by Section 86519(d).

(A) Individuals who have submitted the Child Abuse Central Index check (LIC 198A) with fingerprints on or after January 1, 1999 need not submit a new check if the individual can transfer their criminal record clearance or exemption pursuant to Section 86519(e) or Section 86519.1(f).

(2) The Department shall check the CACI pursuant to Penal Code Section 11170(b)(3), and shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not deny a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.

(3) The Department shall investigate any subsequent reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not revoke a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1521, 1522, 1522.04, and 1531, Health and Safety Code.

Adopt Section 86520 to read:

86520 FIRE CLEARANCE 86520

(a) All crisis nurseries shall secure and maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal.

(1) The request for fire clearance shall be made through and maintained by the licensing agency.

(b) The applicant shall notify the licensing agency if the facility plans to admit any of the following categories of children so that an appropriate fire clearance, approved by the city or county, fire department, the district providing fire protection services, or the State Fire Marshal, can be obtained prior to the acceptance of such children:

(1) Nonambulatory children, as defined in Section 86501(n)(2).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1520, and 1531, Health and Safety Code.

Adopt Section 86521 to read:

86521 WATER SUPPLY CLEARANCE 86521

(a) All crisis nurseries where water for human consumption is from a private source shall meet the following requirements:

(1) As a condition of initial licensure, the applicant shall provide evidence of an on-site inspection of the source of the water and a bacteriological analysis which establishes the safety of the water, conducted by the local health department, the State Department of Health Services or a licensed commercial laboratory.

(2) Subsequent to initial licensure, the licensee shall provide evidence of a bacteriological analysis of the private water supply as frequently as is necessary to ensure the safety of the children, but no less frequently than specified in the following table:

LICENSED CAPACITY	ANALYSIS REQUIRED	PERIODIC SUBSEQUENT ANALYSIS
6 or fewer	Initial Licensing	Not required unless evidence supports the need for such analysis to protect clients.
7 through 14	Initial Licensing	Annually

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1520, and 1531, Health and Safety Code.

Adopt Section 86522 to read:

86522 PLAN OF OPERATION 86522

(a) Each licensee shall have and maintain on file a current, written, definitive plan of operation.

(b) The plan and related materials shall contain the following:

(1) Statement of purposes, and program methods and goals.

(2) Statement of admission policies and procedures regarding acceptance of children.

(3) A copy of the admission agreement for county placed children.

(4) Administrative organization, if applicable.

(5) Staffing plan, description of staffing pattern, qualifications and duties.

(A) The provision of care by the lead caregiver.

(B) The provision for breaks, vacations, and sick days for the lead caregiver while ensuring that another qualified lead caregiver cares for the children.

(6) Plan for in-service education of staff.

(7) A sketch of the building(s) to be occupied, including a floor plan which describes the capacities of the buildings for the uses intended, room dimensions, and a designation of the rooms to be used for nonambulatory children, if any

(8) A sketch of the grounds showing buildings, driveways, fences, storage areas, pools, gardens, recreation areas and other space used by the children.

(A) The sketch shall include the dimensions of all areas which will be used by the children.

(9) Sample menus and a schedule for one calendar week indicating the time of day that meals and snacks are to be served.

(10) A statement whether or not the licensee will handle the child's personal property, and/or valuables. If personal property, and/or valuables will be handled, the method for safeguarding that shall ensure compliance with Section 86526.

(11) Consultant and community resources to be utilized by the facility as part of its program.

(12) A statement of the facility's policy concerning family visits and other communications with the client pursuant to Health and Safety Code Section 1512.

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Section 1512 of the Health and Safety Code provides in part:

The community care facility's policy concerning family visits and communication shall be designed to encourage regular family involvement with the resident client and shall provide ample opportunities for family participation in activities at the facility.

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(13) Transportation arrangements for clients who do not have independent arrangements.

(14) Procedures for responding to complaints and emergencies on a 24-hour basis.

(15) The policies and procedures for family member involvement in caregiving.

(16) The toilet training policies and procedures.

(17) The plan for indoor and outdoor activities designed to meet the developmental and therapeutic needs of these children.

(A) This plan must include quiet and active play, rest and relaxation, eating, toileting, individual attention from the lead caregiver or caregiver staff, and activities that foster the child's cognitive development.

(18) Description of community resources and consultants to be used by the facility.

(19) The policies and procedures for discipline and guidance.

(20) The policies and procedures to prevent disease and control infection.

(21) The plan shall contain all necessary steps to be taken to reduce stress to the child(ren) which may result in transfer trauma, such as admission and discharge, and changes in staffing pattern.

(22) The policies and procedures that ensure consistency and continuity of care to children under the age of 3 by minimizing the number of different caregivers or volunteers who would provide care and supervision to those children, including, but not limited to, developing a work schedule consistent with this policy.

(c) If the licensee intends to admit and/or specialize in care for one or more child(ren) who has a propensity for behaviors that result in harm to self or others, the crisis nursery's plan of operation shall include a description of precautions that will be taken to protect that child and all other children.

(d) Any changes in the plan of operation which affect the services to children shall be subject to licensing agency approval and shall be reported as specified in Section 86561.

(e) The facility shall operate in accordance with the terms specified in the plan of operation and may be cited for not doing so.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1512, 1516, 1520, and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

Adopt Section 86523 to read:

86523 EMERGENCY PLAN 86523

(a) For crisis nurseries, the following shall apply:

(1) The licensee shall develop and provide a current, written emergency plan.

(2) The emergency plan shall include emergency information, instructions and telephone numbers, including a 24-hour emergency number for the licensee and the children's responsible party.

(3) The licensee shall ensure that staff understand and are capable of implementing the plan.

(4) Emergency drills shall be conducted at least every six months.

(A) Completion of such drills shall not require travel away from the crisis nursery grounds or contact with local emergency agencies.

(B) The drills shall be documented, signed and maintained on file in the crisis nursery for at least one year.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1520, and 1531, Health and Safety Code.

Adopt Section 86524 to read:

86524 WAIVERS AND EXCEPTIONS 86524

(a) Unless prior written licensing agency approval is received as specified in (b) below, the licensee shall maintain continuous compliance with the licensing regulations.

(b) The licensing agency shall have the authority to waive or grant an exception to a specific regulation(s) if the request demonstrates how the intent of the regulation(s) will be met and under the following circumstances:

(1) Such waiver or exception shall in no instance be detrimental to the health and safety of any child.

(2) The applicant or caregiver shall submit to the licensing agency a written request for a waiver or exception, together with substantiating evidence supporting the request.

(c) The licensee shall retain the Department's written approval or denial of the request in its facility file.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1509, 1516, and 1531, Health and Safety Code.

Adopt Section 86526 to read:

86526 SAFEGUARDS FOR PERSONAL PROPERTY AND VALUABLES 86526

(a) Personal property and valuables of each child shall be separate and intact.

(b) The licensee or facility staff shall maintain accurate records of personal property, and valuables entrusted to his/her care.

(c) When a child leaves placement in the crisis nursery, the licensee or designee shall surrender all of the child's personal property, and valuables to the child's authorized representative.

(1) The licensee shall obtain and retain a receipt signed by the authorized representative.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1520, and 1531, Health and Safety Code.

Adopt Section 86527 to read:

86527 INITIAL APPLICATION REVIEW 86527

(a) Within 90 days of receipt of the application by the licensing agency, the licensing agency shall give written notice to the applicant of one of the following:

(1) The application is complete.

(2) The application is deficient, describing what documents are outstanding and/or inadequate, and informing the applicant that the information must be submitted within 30 days of the date of the notice.

(b) If the applicant does not submit the information requested within the 30 days specified in (2) above, the application shall be deemed withdrawn provided that the licensing agency has not denied or taken action to deny the application.

(1) The above requirement shall not apply to facilities under construction.

(c) The licensing agency shall cease review of any application under the conditions specified in Section 1520.3 of the Health and Safety Code.

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Health and Safety Code Section 1520.3 provides:

(a) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of such revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in subdivision (a) and the application was denied within

the last year, the department shall cease further review of the application under either of the following circumstances as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing as specified in Section 1526 and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the application were due to circumstances and conditions which either have been corrected or are no longer in existence.

(d) The cessation of review shall not constitute a denial of the application.

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(1) The circumstances and conditions in which the licensing agency may continue to review a previously denied application shall include, but are not limited to, the following:

(A) A fire clearance previously denied, but now approved;

(B) An Administrator who did not meet the minimum qualifications, but now fulfills the qualifications; or

(C) A person with a criminal record, which was the basis for license denial, is no longer associated with the facility.

(2) This review shall not constitute approval of the application.

(3) If cessation of review occurs, the application shall be returned to the applicant. It shall be the responsibility of the applicant to request resumption of review as specified in Health and Safety Code Section 1520.3.

(4) The application processing fee shall be nonrefundable as specified in Section 86536.

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(e) The licensing agency shall complete the following as part of the application review process:

(1) A site visit to the proposed facility and a determination of the qualifications of the applicant.

(2) A determination that the applicant has secured an appropriate fire clearance from the State Fire Marshal, if required.

(3) A determination that the applicant has the ability to comply with the provisions of the Community Care Facilities Act and the regulations in this division as specified in Health and Safety Code Section 1520.

(4) A determination that the facility complies with the provisions of the Community Care Facilities Act and the regulations in this division.

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Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1520, and 1520.3, Health and Safety Code.

Adopt Section 86528 to read:

86528 CAPACITY DETERMINATION 86528

(a) A crisis nursery license shall be issued for a specific capacity.

(1) The maximum licensed capacity for a crisis nursery shall be 14.

(2) Any facility licensed on or before January 1, 2004, as a group home for children under the age of six years with a licensed capacity of greater than 14, but less than 21, that provides crisis nursery services, shall be allowed to retain its capacity if issued a crisis nursery license until the time there is a change in the licensee's program, location, or client population.

(b) The number of children for whom the crisis nursery is licensed to provide care and supervision shall be determined on the basis of the application review by the licensing agency, which shall take into consideration the following:

(1) The fire clearance specified in Section 86520.

(2) The licensee's/administrator's ability to comply with applicable law and regulation.

(3) Physical features of the facility, including available living space, which are necessary in order to comply with regulations.

(4) Number of available staff to meet the care and supervision needs of the clients.

(5) Any restrictions pertaining to the crisis nursery.

(c) The licensing agency shall be authorized to issue a license for fewer children than is requested based upon determinations made pursuant to Section 86528(b), above.

(d) When the license is issued for fewer clients than requested, the licensee shall be notified in writing of the reasons for the limitation and of the licensee's rights to appeal the decision as specified in Section 86540.

(e) The licensing agency shall have the authority to decrease existing licensed capacity with the licensee's agreement, when there is a change in any of the factors specified in (b) above.

(1) If the licensee does not agree to the decrease in capacity, the licensing agency shall have the authority to initiate revocation action as specified in Section 86542.

(f) County placements shall be limited to no more than one-third of a crisis nursery's licensed capacity.

(1) One-third of a crisis nursery capacity for the purpose of accepting county placements shall be interpreted as follows:

(A)

Crisis Nursery Licensed Capacity	Allowable County Placements
1- 2	0
3 – 5	1
6 – 8	2
9 – 11	3
12 – 14	4

(2) The length of stay for a county placed child shall not exceed 14 days unless the Department issues an exception.

(3) A county placed child receiving child day care services shall be counted in the capacity limitation as specified in Section 86528(f).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86529 to read:

86529 WITHDRAWAL OF AN APPLICATION 86529

(a) An applicant shall have the right to withdraw an application.

(1) Such withdrawal shall be in writing.

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Health and Safety Code Section 1553 states in part:

"The withdrawal of an application...shall not, unless the state department consents in writing to such withdrawal, deprive the state department of its authority to institute or continue a proceeding against the applicant for the denial of the license...upon any ground provided by law or to enter an order denying the license...upon any such ground."

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(2) The fee for processing the application shall be forfeited.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1520, 1523.1, and 1553, Health and Safety Code.

Adopt Section 86531 to read:

86531 ISSUANCE OF A LICENSE 86531

(a) Within 90 days of the date that a completed application, as defined in Section 86501(c)(11), has been received, the licensing agency shall give written notice to the applicant of one of the following:

(1) The application has been approved.

(2) The application has been denied.

(A) The notice of denial shall include the information specified in Section 86540.

(b) The licensing agency shall notify the applicant, in writing, of the issuance of the provisional license.

(1) Issuance of the license itself shall constitute written notification of approval.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1509, 1516, 1520, 1520.5, 1525, 1526, and 1553, Health and Safety Code.

Adopt Section 86531.1 to read:

86531.1 ISSUANCE OF A PROVISIONAL LICENSE 86531.1

(a) All crisis nursery license applicants who complete an application and who meet the regulatory and statutory requirements shall receive a provisional license for the first 12 months. After eight months of operation, the licensing agency shall conduct a comprehensive review of the crisis nursery for compliance with all applicable laws and regulations and shall assist the applicant to develop a plan of correction, when necessary.

(1) Before the first business day of the thirteenth month of operation, if the department determines that the crisis nursery is in substantial compliance with licensing standards, the Department shall issue a permanent crisis nursery license except as provided in Section 86531.1(b).

(b) If the Department determines that the crisis nursery is in substantial compliance with licensing standards, the Department may extend the provisional license for up to an additional six months if the crisis nursery requires additional time to be in full compliance with licensing standards.

(c) By no later than the first business day of the seventeenth month of operation, the Department shall conduct an additional review of a crisis nursery for which the provisional license is extended pursuant to Section 86531.1(b), to determine whether a permanent license should be issued.

(d) Under the following conditions, a crisis nursery licensee with a permanent license may apply for a provisional license:

(1) A temporary change in facility location of not more than six months due to unforeseen circumstances beyond the control of the license (i.e. flood, earthquake, etc).

(A) The licensing agency shall have the authority to authorize a temporary facility change following a licensing agency review, a finding of substantial compliance with licensing standards, and the securing of an appropriate fire clearance.

(e) If, during the provisional license period, the licensing agency discovers any serious deficiencies, the Department shall have the authority to institute administrative action, or civil proceedings, or to refer the case for criminal prosecution. As one of the options under the administrative action process, the Department may deny a crisis nursery license application at any time during the term of the provisional license to protect the health and safety of clients.

If the Department denies the application, the crisis nursery shall cease operation immediately. Continued operation of the crisis nursery after the Department denies the application or after the provisional license expires shall constitute unlicensed operation.

(f) A provisional license shall not be renewable and shall terminate on the date specified on the license or upon denial of the application, whichever is earlier.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1520, 1524, 1525.5, and 1531, Health and Safety Code.

Adopt Section 86531.2 to read:

86531.2 ISSUANCE OF A PERMANENT LICENSE 86531.2

(a) Before the first business day of the thirteenth month (up to nineteen months, if an extension was granted in accordance with Section 86531.1(b)) after the effective date of the provisional license, as defined in Section 86531.1, the licensing agency shall give written notice to the crisis nursery applicant of one of the following:

(1) A permanent license has been approved.

(2) The permanent license has been denied for the applicant.

(A) The notice of denial shall include the information specified in Section 86540.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1509, 1516, 1520, 1520.5, 1525, 1525.5, and 1526, Health and Safety Code.

Adopt Section 86534 to read:

86534 SUBMISSION OF A NEW APPLICATION 86534

(a) A licensee shall file a new application as required by Section 86518 whenever there is a change in conditions or limitations described on the current license, or other changes including but not limited to the following:

(1) Any change in the location of the crisis nursery.

(2) Any change of licensee, including but not limited to the following:

(A) Separating from a parent company.

(B) Merger with another company.

(3) Any change in facility category.

(4) Any increase in capacity.

(5) A permanent change in any client from ambulatory to nonambulatory status.

(b) A new application as required by Section 86518 shall be filed whenever an applicant fails to complete a new application within the time limit required by Section 86527(a) if the applicant chooses to continue the application process.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1520, 1523.1, and 1531, Health and Safety Code.

Adopt Section 86535 to read:

86535 CONDITIONS FOR FORFEITURE OF A CRISIS NURSERY LICENSE 86535

(a) Conditions for forfeiture of a crisis nursery license may be found in Section 1524 of the Health and Safety Code.

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Health and Safety Code Section 1524 states in part:

"A license shall be forfeited by operation of law prior to its expiration date when one of the following occurs:

(a) The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation, and when such transfer of stock does not constitute a majority change of ownership.

(b) The licensee surrenders the license to the department.

(c) The licensee moves a facility from one location to another. The department shall develop regulations to ensure that the facilities are not charged a full licensing fee and do not have to complete the entire application process when applying for a license for the new location.

(d) The licensee is convicted of an offense specified in Section 220.243.4 or 264.1, or paragraph (1) of Section 273a, Section 273d, 288, or 289 of the Penal Code, or is convicted of another crime specified in subdivision (c) of Section 667.5 of the Penal Code.

(e) (Continued)

(f) The licensee abandons the facility."

(g) (Continued)

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(1) "Licensee abandons the crisis nursery" shall mean either of the following:

(A) The licensee informs the licensing agency that the licensee no longer accepts responsibility for the facility, or

(B) The licensing agency is unable to determine the licensee's whereabouts after the following:

1. The licensing agency requests information of the licensee's whereabouts from the facility's staff if any staff can be contacted; and

2. The licensing agency has made at least one (1) phone call per day, to the licensee's last telephone number of record, for five (5) consecutive workdays with no response; and

3. The licensing agency has sent a certified letter, requesting the licensee to contact the licensing agency, to the licensee's last mailing address of record with no response within seven (7) calendar days.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1524, and 1524(e), Health and Safety Code.

Adopt Section 86536 to read:

86536 APPLICATION PROCESSING AND ANNUAL LICENSING FEES 86536

(a) The Department shall charge applicants and licensees fees in accordance with Health and Safety Code Section 1523.1.

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Health and Safety Code Section 1523.1 states as follows:

An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license. After initial licensure, a fee shall be charged by the department annually on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows:

Fee Schedule

Facility Type	Capacity	Initial Application	Annual
Crisis Nurseries	1-3	$375	$375
	4-6	$750	$375
	7-14	$1,126	$563

(b) (1) In addition to fees set forth in subdivision (a), the Department shall charge the following fees:

(A) A fee that represents 50 percent of an established application fee when an existing licensee moves the facility to a new physical address.

(B) A fee that represents 50 percent of the established application fee when a corporate licensee changes who has the authority to select a majority of the board of directors.

(C) A fee of twenty-five dollars ($25) when an existing licensee seeks to either increase or decrease the licensed capacity of the facility.

(D) An orientation fee of fifty dollars ($50) for attendance by any individual at a department-sponsored orientation session.

(E) A probation monitoring fee equal to the annual fee, in addition to the annual fee for that category and capacity for each year a license has been placed on probation as a result of a stipulation or decision and order pursuant to the administrative adjudication procedures of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(F) A late fee that represents an additional 50 percent of the established annual fee when any licensee fails to pay the annual licensing fee on or before the due date as indicated by postmark on the payment.

(G) A fee to cover any costs incurred by the department for processing payments including, but not limited to, bounced check charges, charges for credit and debit transactions, and postage due charges.

(H) A plan of correction fee of two hundred dollars ($200) when any licensee does not implement a plan of correction on or prior to the date specified in the plan.

(2) No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a facility licensed under this chapter which serves six or fewer persons.

(c) (1) The revenues collected from licensing fees pursuant to this section shall be utilized by the department for the purpose of ensuring the health and safety of all individuals provided care and supervision by licensees and to support activities of the licensing program, including, but not limited to, monitoring facilities for compliance with licensing laws and regulations pursuant to this chapter, and other administrative activities in support of the licensing program, when appropriated for these purposes. The revenues collected shall be used in addition to any other funds appropriated in the Budget Act in support of the licensing program.

(2) The Department shall not utilize any portion of these revenues sooner than 30 days after notification in writing of the purpose and use of this revenue, as approved by the Director of Finance, to the Chairperson of

the Joint Legislative Budget Committee, and the chairpersons of the committee in each house that considers appropriations for each fiscal year. The Department shall submit a budget change proposal to justify any positions or any other related support costs on an ongoing basis.

(d) A facility may use a bona fide business check to pay the license fee required under this section.

(e) The failure of an applicant or licensee to pay all applicable and accrued fees and civil penalties shall constitute grounds for denial or forfeiture of a license.

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(b) The application annual-processing fee shall be nonrefundable except as provided in Government Code Section 13143.

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Government Code Section 13143 states in pertinent part:

Whenever any law which provides for fees or payments to a state agency does not authorize, as provided in this article, the refund of erroneous or excessive payments thereof, refunds may be made by the state agency which collected the fee or payment of any or all amounts received by the state agency in consequence of error, either of fact or of law, as to:

(a) The proper amount of such fee or payment.

(b) The necessity of making such payment or making or securing a permit, filing, examination, or inspection.

(c) The sufficiency of the credentials of the applicant.

(d) The eligibility of an applicant for any other reason.

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Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1523.1, and 1524, Health and Safety Code; and Section 13143, Government Code.

Article 4. ADMINISTRATIVE ACTIONS

Adopt Section 86540 to read:

86540 DENIAL OF A LICENSE 86540

(a) Except as specified in Section 86531.1, which provides for issuance of a provisional license based upon substantial compliance, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulation.

(1) The licensing agency shall have the authority to deny an application for an initial license if the applicant has failed to pay any civil penalty assessments pursuant to Section 86558 and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made.

(2) An application for licensure shall be denied as specified in Health and Safety Code Sections 1520.11(b), (d) and 1550.

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Health and Safety Code Section 1520.11(b) states:

"(b) The department shall not issue a provisional license or license to any corporate applicant that has a member of the board of directors, an executive director, or an officer, who is not eligible for licensure pursuant to Section 1520.3 or Section 1558.1." (Continued)

Health and Safety Code Section 1520.11(d) states:

(d) "Prior to instituting administrative action pursuant to either subdivision (b) or (c), the department shall notify the applicant or licensee of the person's ineligibility to be a member of the board of directors, an executive director, or an officer of the applicant or licensee. The licensee shall remove the person from that position within 15 days or, if the person has client contact, he or she shall be removed immediately upon notification." (Continued)

Health and Safety Code Section 1550 states:

"The department may deny an application for, or suspend or revoke, any licensee, or any administrator certificate, issued under this chapter upon any of the following grounds and in the manner provided in this chapter:

(a) Violation by the licensee or holder of a special permit of this chapter or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting, or permitting the violation of this chapter or of the rules and regulations promulgated under this chapter.

(c) Conduct which is inimical to the health, morals, welfare, or safety of either an individual in, or receiving services from, the facility or the people of the State of California.

(d) The conviction of a licensee, or other person mentioned in Section 1522, at any time before or during licensure, of a crime as defined in Section 1522.

(e) The licensee of any facility or the person providing direct care or supervision knowingly allows any child to have illegal drugs or alcohol.

(f) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services."

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(b) If the application for an initial license is denied, the licensing agency shall mail the applicant a written notice of denial.

(1) The notification shall inform the applicant of and set forth the reasons for the denial, and shall advise the applicant of the right to appeal.

(c) If the application for an initial license is denied, the application processing fee shall be forfeited.

(d) An applicant shall have the right to appeal the denial of the application pursuant to Health and Safety Code Section 1526.

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Health and Safety Code Section 1526 provides in part:

"Immediately upon the denial of any application for a license or for a special permit, the licensing agency shall notify the applicant in writing. Within 15 days after the licensing agency mails the notice, the applicant may present his/her written petition for a hearing to the licensing agency. Upon receipt by the licensing agency of the petition in proper form, such petition shall be set for hearing. The proceedings shall be conducted in accordance with Chapter 5 commencing with Section 11500 of Part 1 of Division 3 of Title 2 of the Government Code."

Health and Safety Code Section 1551(a) provides in part:

"(a) Proceedings for the suspension, revocation, or denial of a license under this chapter shall be conducted in accordance with the provisions of Chapter 5 commencing with Section 11500 of Part 1 of Division 3 of Title 2 of the Government Code."

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(e) Notwithstanding any appeal action, the facility is unlicensed and shall not operate pending adoption by the director of a decision on the denial action.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1520, 1520.11, 1525, 1526, 1547, and 1548, Health and Safety Code.

Adopt Section 86542 to read:

86542 REVOCATION OR SUSPENSION OF A LICENSE 86542

(a) The Department shall have the authority to suspend or revoke a crisis nursery license on any of the grounds specified in Health and Safety Code Sections 1550 and 1550.5.

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Health and Safety Code Section 1550 specifies the following grounds:

"The department may deny an application for, or suspend or revoke any license, or any administrator certificate, issued under this chapter upon any of the following grounds and in the manner provided in this chapter:

(a) Violation by the licensee, or holder of a special permit of this chapter or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting, or permitting the violation of this chapter or of the rules and regulations promulgated under this chapter.

(c) Conduct which is inimical to the health, morals, welfare, or safety of either an individual in, or receiving services from, the facility or the people of the State of California.

(d) The conviction of a licensee, or other person mentioned in Section 1522, at any time before or during licensure, of a crime as defined in Section 1522.

(e) The licensee of any facility or the person providing direct care or supervision knowingly allows any child to have illegal drugs or alcohol.

(f) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services."

Health and Safety Code Section 1550.5 provides in pertinent part:

"The director may temporarily suspend any license prior to any hearing when, in the opinion of the director, the action is urgent to protect residents or clients of the facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The director shall serve the licensee with the temporary suspension order, a copy of available discovery and other relevant evidence in the possession of the department, including, but not limited to, affidavits, declarations, and any other evidence upon which the director relied in issuing the temporary suspension order, the names of the department's witnesses, and the effective date of the temporary suspension and at the same time shall serve the licensee with an accusation.

(b) Upon receipt of a notice of defense to the accusation by the licensee, the director shall, within 15 days, set the matter for a full evidentiary hearing, and the hearing shall be held as soon as possible but not later than 30 days after receipt of such notice. The temporary suspension shall remain in effect until the time the hearing is completed and the director has made a final determination on the merits, unless it is earlier vacated by interim decision of the administrative law judge or a superior court judge. However, the temporary suspension shall be deemed vacated if the director fails to make a final determination on the merits within 30 days after the original hearing has been completed."

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(b) Proceedings to hear a revocation action or a revocation and temporary suspension action shall be conducted pursuant to the provisions of Health and Safety Code Section 1551.

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Health and Safety Code Section 1551 provides in part:

"Proceedings for the suspension, revocation, or denial of a license under this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code...."

Chapter 5 commencing with Section 11500 of Part 1, Division 3, Title 2 of the Government Code provides in part:

"(A) When the Director intends to seek revocation of a license, he/she shall notify the licensee of the proposed action; shall concurrently serve the licensee with an accusation; and advise the licensee of the right to a hearing.

(B) The licensee has the right to a hearing prior to the revocation or suspension of a license, except as provided below:

(1) The Director may temporarily suspend any license prior to hearing when in his/her opinion such action is necessary to protect the clients in the facility from any physical or mental abuse or any other substantial threat to health or safety.

(2) When the Director intends to temporarily suspend a license prior to a hearing, he/she shall notify the licensee of the temporary suspension and the effective date thereof, and concurrently serve the licensee with an accusation.

(C) The licensee shall apply for a hearing under (B) above by sending a written notice of defense to the Director within 15 calendar days of the mailing date of the revocation or suspension notice.

(D) The Director shall, within 15 days of receipt of the notice of defense, request the Office of Administrative Hearings to set the matter for hearing."

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(c) For a revocation and temporary suspension action, the Director shall request the Office of Administrative Hearings to hold the hearing as soon as possible but not later than 30 calendar days after receipt of the notice of defense.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1550, 1550.5, and 1551, Health and Safety Code.

Adopt Section 86544 to read:

86544 INSPECTION AUTHORITY OF THE LICENSING AGENCY 86544

(a) The licensing agency shall have the inspection authority specified in Health and Safety Code Sections 1526.5, 1533, 1534 and 1538.

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Health and Safety Code Section 1526.5(a) states in part:

"(a) Within 90 days after the date of issuance of a license or special permit pursuant to Section 1525, the Department shall conduct an inspection of the facility for which the license or special permit was issued."

Health and Safety Code Section 1533 states in part:

"...[A]ny duly authorized officer, employee, or agent of the State Department of Social Services may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter."

Health and Safety Code Section 1534 states in part:

(a) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

Health and Safety Code Section 1538 states in part:

(a) Any person may request an inspection of any community care facility... in accordance with this chapter by transmitting to the state department notice of an alleged violation of applicable requirements prescribed by statutes or regulations of this state, including, but not limited to, a denial of access of any person authorized to enter the facility pursuant to Section 9701 of the Welfare and Institutions Code. A complaint may be made either orally or in writing.

(b) The substance of the complaint shall be provided to the licensee... no earlier than at the time of the inspection. Unless the complainant specifically requests otherwise, neither the substance of the complaint provided the licensee... nor any copy of the complaint or any record published, released, or otherwise made available to the licensee... shall disclose the name of any person mentioned in the complaint except the name of any duly authorized officer, employee, or agent of the state department conducting the investigation or inspection pursuant to this chapter.

(c) Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a community care facility, the state department shall make a preliminary review and, unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection... within 10 days after receiving the complaint, except where a visit would adversely affect the licensing investigation or the investigation of other agencies. In either event, the complainant shall be promptly informed of the state department's proposed course of action.

(d) Upon receipt of a complaint alleging denial of a statutory right of access to a community care facility..., the state department shall review the complaint. The complainant shall be notified promptly of the state department's proposed course of action.

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(b) The Department shall have the authority to interview children, or staff, and to inspect and audit child(ren) or crisis nursery records without prior consent.

(1) The licensee shall make provisions for private interviews with any children, or any staff member; and for the examination of all records relating to the operation of the crisis nursery.

(c) The Department shall have the authority to observe the physical condition of the children, including conditions which could indicate abuse, neglect, or inappropriate placement, and to have a licensed medical professional physically examine the child(ren).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1526.5, 1531, 1533, 1534, and 1538, Health and Safety Code.

Adopt Section 86545 to read:

86545 EVALUATION VISITS 86545

(a) Crisis Nurseries shall be evaluated as specified in Health and Safety Code Sections 1534 and 1548.

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Health and Safety Code Section 1534 states in part:

(1) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

(2) The state department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.

(3) Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the state department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection in the county in which the facility is located.

Health and Safety Code Section 1548 states in part:

"(a) In addition to suspension or revocation of a license issued under this chapter, the department may levy a civil penalty in addition to the penalties of suspension or revocation.

(b) The amount of the civil penalty shall not be less than twenty-five dollars ($25) or more than fifty dollars ($50) per day for each violation of this chapter except where the nature or seriousness of the violation or the frequency of the violation warrants a higher penalty or an immediate civil penalty assessment, or both, as determined by the department. In no event, shall a civil penalty assessment exceed one hundred fifty dollars ($150) per day."

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(b) The licensing agency shall have the authority to make any number of other visits to a crisis nursery in order to determine compliance with applicable law and regulation.

(c) Any duly authorized officer, employee, or agent of the Department may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1533, 1534, 1538, and 1548, Health and Safety Code.

Adopt Section 86546 to read:

86546 EXCLUSIONS 86546

(a) An individual can be prohibited from serving as a member of a board of directors, executive director, or officer; from being employed or allowing an individual in a licensed facility as specified in Health and Safety Code Sections 1558 and 1558.1.

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Health and Safety Code Section 1558 reads:

"(a) The department may prohibit any person from being a member of the board of directors, an executive director, or an officer of a licensee, or a licensee from employing, or continuing the employment of, or allowing in a licensed facility, or allowing contact with clients of a licensed facility by, any employee, prospective employee, or person who is not a client who has:

(1) Violated, or aided or permitted the violation by any other person of, any provisions of this chapter or of any rules or regulations promulgated under this chapter.

(2) Engaged in conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility, or the people of the State of California.

(3) Been denied an exemption to work or to be present in a facility, when that person has been convicted of a crime as defined in Section 1522.

(4) Engaged in any other conduct which would constitute a basis for disciplining a licensee.

(5) Engaged in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services."

"(b) The excluded person, the facility, and the licensee shall be given written notice of the basis of the department's action and of the excluded person's right to an appeal. The notice shall be served either by personal service or by registered mail. Within 15 days after the department serves the notice, the excluded person may file with the department a written appeal of the exclusion order. If the excluded person fails to file a written appeal within the prescribed time, the department's action shall be final."

"(c) (1) The department may require the immediate removal of a member of the board of directors, an executive director, or an officer of a licensee or exclusion of an employee, prospective employee, or person who is not a client from a facility pending a final decision of the matter, when, in the opinion of the director, the action is necessary to protect residents or clients from physical or mental abuse, abandonment, or any other substantial threat to their health or safety.

(2) If the department requires the immediate removal of a member of the board of directors, an executive director, or an officer of a licensee or exclusion of an employee, prospective employee, or person who is not a client from a facility, the department shall serve an order of immediate exclusion upon the excluded person which shall notify the excluded person of the basis of the department's action and of the excluded person's right to a hearing.

(3) Within 15 days after the department serves an order of immediate exclusion, the excluded person may file a written appeal of the exclusion with the department. The department's action shall be final if the excluded person does not appeal the exclusion within the prescribed time. The department shall do the following upon receipt of a written appeal:

(A) Within 30 days of receipt of the appeal, serve an accusation upon the excluded person.

(B) Within 60 days of receipt of a notice of defense pursuant to Section 11506 of the Government Code by the excluded person to conduct a hearing on the accusation.

(4) An order of immediate exclusion of the excluded person from the facility shall remain in effect until the hearing is completed and the director has made a final determination on the merits. However, the order of immediate exclusion shall be deemed vacated if the director fails to make a final determination on the merits within 60 days after the original hearing has been completed."

"(d) An excluded person who files a written appeal with the department pursuant to this section shall, as part of the written request, provide his or her current mailing address. The excluded person shall subsequently notify the department in writing of any change in mailing address, until the hearing process has been completed or terminated.

"(e) Hearings held pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code. The standard of proof shall be the preponderance of the evidence and the burden of proof shall be on the department."

"(f) The department may institute or continue a disciplinary proceeding against a member of the board of directors, an executive director, or an officer of a licensee or an employee, prospective employee, or person who is not a client upon any ground provided by this section, or enter an order prohibiting any person from being a member of the board of directors, an executive director, or an officer of a licensee or the excluded person's employment or presence in the facility or otherwise take disciplinary action against the excluded person, notwithstanding any resignation, withdrawal of employment application, or change of duties by the excluded person, or any discharge, failure to hire, or reassignment of the excluded person by the licensee or that the excluded person no longer has contact with clients at the facility."

"(g) A licensee's failure to comply with the department's exclusion order after being notified of the order shall be grounds for disciplining the licensee pursuant to Section 1550."

"(h) (1) (A) In cases where the excluded person appealed the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

(2) (A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order."

Health and Safety Code Section 1558.1 reads:

"(a) (1) If the department determines that a person was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to the chapter.

(2) If the department determines that a person previously was issued a certificate of approval by a foster family agency which was revoked by the department pursuant to subdivision (b) of Section 1534 within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter."

"(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing."

"(c) If the department determines that the person had previously applied for a certificate of approval with a foster family agency and the department ordered the foster family agency to deny the application pursuant to subdivision (b) of Section 1534, the department shall exclude the person

from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing."

"(d) Exclusion or removal of an individual pursuant to this section shall not be considered an order of exclusion for purposes of Section 1558 or any other law."

"(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances and conditions that either have been corrected or are no longer in existence."

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1558, and 1558.1, Health and Safety Code.

Article 5. ENFORCEMENT PROVISIONS

Adopt Section 86552 to read:

86552 DEFICIENCIES IN COMPLIANCE 86552

(a) When a licensing evaluation is conducted and the evaluator determines that a deficiency exists the evaluator shall issue a notice of deficiency, unless the deficiency is not serious and is corrected during the visit.

(b) Prior to completion of an evaluation or other licensing visit, the licensee, administrator, or other person in charge of the crisis nursery shall meet with the evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency, and to acknowledge receipt of the notice of deficiency.

(c) The evaluator shall provide notice of deficiency to the licensee by one of the following:

(1) Personal delivery to the licensee, at the completion of the visit.

(2) If the licensee is not at the crisis nursery site, leaving the notice with the person in charge of the crisis nursery at the completion of the visit.

(A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.

(3) If the licensee or the person in charge of the crisis nursery refuses to accept the notice, a notation of the refusal shall be written on the notice and a copy left at the facility.

(A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.

(d) The notice of deficiency shall be in writing and shall include the following:

(1) Citation of the statute or regulation which has been violated.

(2) A description of the nature of the deficiency stating the manner in which the licensee failed to comply with a specified statute or regulation, and the particular place or area of the crisis nursery in which it occurred.

(3) The plan developed, as specified in (b) above, for correcting each deficiency.

(4) A date by which each deficiency shall be corrected.

(A) In determining the date for correcting a deficiency, the evaluator shall consider the following factors:

(1) The potential hazard presented by the deficiency.

(2) The number of clients affected.

(3) The availability of equipment or personnel necessary to correct the deficiency.

(4) The estimated time necessary for delivery, and for any installation, of necessary equipment.

(B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days.

(C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify the corrective actions which must be taken within 30 calendar days to begin correction.

(D) The evaluator shall require correction of the deficiency within 24 hours and shall specify on the notice the date by which the correction must be made whenever penalties are assessed pursuant to Sections 86554(e), (f) and (g).

(5) The amount of penalty being assessed and the date the penalty begins.

(6) The address and telephone number of the licensing office responsible for reviewing notices of deficiencies for the area in which the crisis nursery is located.

(e) The following are examples of regulations that, if not complied with, nearly always result in a serious deficiency.

(1) Section 86510 relating to limitations on capacity or ambulatory status of children in crisis nurseries.

(2) Section 86519 relating to criminal record clearance.

(3) Section 86520 relating to fire clearance.

(4) Section 86521 relating to water supply.

(5) Section 86572 relating to personal rights.

(7) Section 86575 relating to storing and dispensing medications.

(8) Section 86576 relating to food storage, preparation and service.

(9) Section 86587 relating to safety of child(ren) accommodations.

(10) Section 86588 relating to hot water temperature, toilet facilities, storage, and disposal of solid wastes.

(11) Any other regulation, the violation of which is deemed by the licensing agency to constitute a serious deficiency as defined in Section 86501(s)(1).

(f) Failure to operate according to the plan of operation, as specified in Section 84222, may result in a citation for a serious deficiency.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, 1531, 1534, and 1548, Health and Safety Code.

Adopt Section 86553 to read:

86553 FOLLOW-UP VISITS TO DETERMINE COMPLIANCE 86553

(a) A follow-up visit shall be conducted to determine compliance with the plan of correction specified in the notice of deficiency.

(1) At a minimum, a follow-up visit shall be conducted within ten working days following the dates of corrections specified in the notice of deficiency, unless the licensee has demonstrated that the deficiency was corrected as required.

(2) No penalty shall be assessed unless a follow-up visit is conducted as specified in (a) and (a)(1) above.

(b) If a follow-up visit indicates that a deficiency was not corrected on or before the date specified in the notice of deficiency, the evaluator shall issue a notice of penalty.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516, 1533, 1534, and 1548, Health and Safety Code.

Adopt Section 86554 to read:

86554 PENALTIES 86554

(a) A notice of penalty shall be in writing and shall include:

(1) The amount of penalty assessed, and the date the payment is due.

(2) The name and address of the agency responsible for collection of the penalty.

(b) A penalty of $50 per day, per cited violation, shall be assessed for serious deficiencies that are not corrected by the date specified in the notice of deficiency, up to a maximum of $150 per day.

(c) Notwithstanding Section 86554(b) above, an immediate penalty of $100 per cited violation per day for a maximum of five (5) days shall be assessed if any individual required to be fingerprinted under Health and Safety Code Section 1522(b) has not obtained a California clearance or a criminal record exemption, requested a transfer of a criminal record clearance or requested and be approved for a transfer of an exemption as specified in Section 86519(e) prior to working, residing, or volunteering in the crisis nursery.

(1) Subsequent violations within a twelve (12) month period shall result in a civil penalty of one hundred dollars ($100) per violation per day for a maximum of thirty (30) days.

(A) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1522.

(B) Progressive civil penalties specified in Sections 86554(f) and (g) below shall not apply.

(d) Notwithstanding Section 86554(b) above, an immediate penalty of $150 per day shall be assessed for any of the following:

(1) Sickness, injury or death of a client has occurred as a result of the deficiency.

(e) When a crisis nursery is cited for a deficiency and violates the same regulation subsection within a 12-month period, the crisis nursery shall be cited and an immediate penalty assessment of $150 per cited violation shall be assessed for one day only. Thereafter a penalty of $50 per day, per cited violation, shall be assessed until the deficiency is corrected.

(f) When a crisis nursery, that was cited for a deficiency subject to the immediate penalty assessment in Section 86554(f) above, violates the same regulation subsection within a 12-month period of the last violation, the crisis nursery shall be cited and an immediate penalty of $150 per cited violation shall be assessed for one day only. Thereafter, a penalty of $150 per day, per cited violation, shall be assessed until the deficiency is corrected.

(1) For purposes of Sections 86554(e) and (f), a regulation subsection is the regulation denoted by a lower-case letter after the main regulation number. An example of the same regulation subsections are Sections 87218(a)(2) and 87218(a)(5). Sections 87218(a) and (b) are not the same regulatory subsection.

(g) If any deficiency is not corrected by the date specified in the notice of deficiency, a penalty shall be assessed for each day following that date until compliance has been demonstrated.

(1) Immediate penalty assessment as specified in Sections 86554(e), (f) and (g) above, shall begin on the day the deficiency is cited.

(h) If a licensee or his/her representative reports to the licensing agency that a deficiency has been corrected, the penalty shall cease as of the day the Department receives notification that the correction was made.

(1) If the deficiency has not been corrected, civil penalties shall continue to accrue from the date of the original citation.

(2) If it can be verified that the correction was made prior to the date of notification, the penalty shall cease as of that earlier date.

(i) If necessary, a site visit shall be made immediately or within five working days to confirm deficiency has been corrected.

(j) When an immediate penalty has been assessed pursuant to this section and correction is made when the evaluator is present, a follow-up visit is not required.

(k) If an immediate civil penalty is assessed, and the deficiency is corrected on the same day, the penalty shall still be assessed for that day.

(l) Unless otherwise ordered by the Department all penalties are due and payable upon receipt of notice for payment, and shall be paid only by check or money order made payable to the agency indicated on the notice.

(m) The licensing agency shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (l) above.

Authority Cited: Sections 1530 and 1548, Health and Safety Code.

Reference: Sections 1516, 1522, 1534, and 1548, Health and Safety Code.

Adopt Section 86555 to read:

86555 ADMINISTRATIVE REVIEW 86555

(a) A licensee or his/her representative shall have the right to request a review of a notice of deficiency and/or notice of penalty within 10 working days of receipt of such notice(s).

(1) If the deficiency has not been corrected, civil penalties shall continue to accrue during the review process.

(b) The review shall be conducted by Department management.

(c) If the reviewer determines that a notice of deficiency or notice of penalty was not issued or assessed in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, he/she shall have the authority to amend or dismiss the notice.

(d) The reviewer shall have the authority to extend the date specified for correction of a deficiency if warranted by the facts or circumstances presented to support a request for extension.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1516 and 1534, Health and Safety Code.

Adopt Section 86555.1 to read:

86555.1 DENIAL OR REVOCATION OF A LICENSE FOR FAILURE TO PAY CIVIL PENALTIES 86555.1

(a) The licensee shall be responsible for paying civil penalties.

(1) Unless otherwise provided, the transfer, surrender, forfeiture or revocation of a license shall not affect the licensee's responsibility for paying any civil penalties accrued while the license was in effect.

(b) The Department shall have the authority to deny or revoke any license for failure to pay civil penalty assessments.

(1) The Department shall have the authority to approve payment arrangements acceptable to the Department.

(2) The Department shall have the authority to approve the form of payment.

(3) The licensee's failure to pay civil penalty assessments pursuant to a payment plan approved by the Department may result in the denial or revocation of any license, and/or any other appropriate action.

(c) Any denial or revocation of the license for failure to pay civil penalties may be appealed as provided by Health and Safety Code Section 1551.

Authority Cited: Sections 1530 and 1548, Health and Safety Code.

Reference: Sections 1516, 1522, 1534, 1548, and 1551, Health and Safety Code.

Adopt Section 86558 to read:

86558 UNLICENSED FACILITY PENALTIES 86558

(a) A penalty of $200 per day shall be assessed for the operation of an unlicensed facility under either of the following conditions:

(1) The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of Law pursuant to Section 86506, and continues to operate.

(A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 86518.

(B) The completed application shall be deemed to be submitted when received by the licensing agency.

(2) Unlicensed operation continues after denial of the initial application.

(A) Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(b) The $200 per day penalty shall be assessed for the continued operation of an unlicensed crisis nursery as follows:

(1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law, and has not submitted a completed application as required.

(A) The $200 per day penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 86558(a)(1)(A) and (B).

(2) Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(A) The $200 per day penalty shall continue until the operator ceases operation.

(c) If the unlicensed operator or his/her representative reports to the licensing agency that unlicensed operation, as defined in Section 1503.5 of the Health and Safety Code, has ceased, the penalty shall cease as of the day the licensing agency receives the notification.

(1) A site visit shall be made immediately or within five working days to verify that the unlicensed crisis nursery operation has ceased.

(2) Notwithstanding (c) above, if the unlicensed crisis nursery operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.

(d) All penalties shall be due and payable upon receipt of the Notice for Payment from the licensing agency, and shall be paid by check or money order made payable to the licensing agency indicated on the notice.

(e) The licensing agency shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (d) above.

(f) Payment of civil penalties or application for licensure in response to a citation under this section do not permit the operation of a crisis nursery without a license.

HANDBOOK BEGINS HERE

Section 1508 of the Health and Safety Code states in part:

"No person, firm, partnership, association, or corporation within the state and no state or local public agency shall operate, establish, manage, conduct, or maintain a community care facility in this state, without a current valid license therefore as provided in this chapter."

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1503.5, 1508, 1516, 1520, 1533, 1538, 1540, 1540.1, 1541, 1547, and 1549, Health and Safety Code.

Adopt Section 86559 to read:

86559 UNLICENSED FACILITY ADMINISTRATIVE APPEAL 86559

(a) An unlicensed crisis nursery operator or his/her representative shall have the right to appeal the penalty assessment within 10 working days after service of the penalty assessment.

(1) If the unlicensed crisis nursery operation has not ceased, the $200 per day penalty shall continue to accrue during the appeal process.

(b) The appeal review shall be conducted by Department management.

(c) If the reviewer of the appeal determines that the penalty assessment was not issued in accordance with applicable statutes and regulations of the Department, he/she shall have the authority to amend or dismiss the penalty assessment.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1503.5, 1508, 1516, 1547, and 1548, Health and Safety Code.

Adopt Article 6. to read:

Article 6. CONTINUING REQUIREMENTS

Adopt Section 86561 to read:

86561 REPORTING REQUIREMENTS 86561

(a) Each licensee or applicant shall furnish to the licensing agency reports as required, including, but not limited to, those specified in this section.

(b) Upon the occurrence, during the operation of the crisis nursery, of any of the incidents specified in (1) below, a report shall be made to the Department within the next working day during normal business hours. In addition, a written report containing the information specified in (2) below shall be submitted to the licensing agency within seven days following the occurrence of such incident.

(1) Incidents reported shall include the following:

(A) Death of any child from any cause.

(B) Death of any child as a result or injury, abuse, or other than natural causes, regardless of where the death occurred. This includes a death that occurred outside the crisis nursery for example in route to or from a hospital, or visiting away from the crisis nursery.

1. The licensee shall obtain a certified copy of the child's death certificate as soon as it is available, maintain it in the child's file, and shall send a copy to the Department as soon as it is obtained.

(C) Any injury to any child which requires medical treatment.

(D) Any unusual incident or child absence which threatens the physical or emotional health or safety of any child.

(E) Any suspected physical or psychological abuse of any child.

(F) Epidemic outbreaks.

(G) Poisonings.

(H) Catastrophes.

(I) Fires or explosions which occur in or on the premises.

(2) Information provided shall include the following:

(A) Child's name, age, sex, and date of admission.

(B) Date and nature of incident.

(C) Attending physician's name, findings, and treatment, if any.

(D) Disposition of the case.

(c) All crisis nursery personnel, licensees, caregivers, and volunteers are required to report suspected child abuse or neglect to a child protective agency, law enforcement agency, and the licensing agency in accordance with Penal Code Section 11164 et seq.

(1) All crisis nursery personnel, licensees, caregivers, and volunteers shall sign a statement at the time of employment acknowledging their reporting responsibilities.

(d) The items below shall be reported to the licensing agency within 10-working days following the occurrence.

(1) The organizational changes specified in Section 86534.

(2) Any change in the licensee's or applicant's mailing address.

(3) Any change of the chief executive officer of a corporation or association.

(A) Such notification shall include the new chief executive officer's name and address.

(B) Fingerprints shall be submitted as specified in Section 80019(d).

(4) Any changes in the plan of operation which affect the services to children.

(e) The items specified in Sections 86561(b)(1)(A) through (G) above shall also be reported to the client's authorized representative, if any.

(f) The items specified in Sections 86561(b)(1)(D) through (F) above shall also be reported to the local health officer when appropriate pursuant to Title 17, California Administrative Code, Sections 2500, 2502 and 2503.

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(1) Title 17, California Administrative Code, Section 2500 requires:

"It shall be the duty of every physician, practitioner, dentist, coroner, every superintendent or manager of a dispensary, hospital, clinic, or any other person knowing of or in attendance on a case or suspected case of any of the following diseases or conditions, to notify the local health authority immediately. A standard type report form has been adopted and is available for this purpose.

Amebiasis
Anthrax
Botulism
Brucellosis (Undulant Fever)
Chancroid
Cholera
Coccidioidomycosis
Conjunctivitis, Acute Infectious of the Newborn (Gonorrheal Ophthalmia, Ophthalmia Neonatorum, and Babies' Sore Eyes in first 21 days of life)
Dengue
Diarrhea of the Newborn
Diphtheria
Disorders Characterized by Lapses of Consciousness
Dysentery, Bacillary (See Shigella infections)
Encephalitis, viral
Food poisoning (other than Botulism)
German Measles (Rubella)
Gonococcal Infections
Granuloma Inguinale
Hepatitis, Infectious (A)
Hepatitis, Serum (B)
Hepatitis, unspecified
Hepatitis, Non-A, Non-B
Leprosy (Hansen's Disease)
Leptospirosis (including Weil's Disease)
Lymphogranuloma Venereum (Lymphogranuloma Inguinale)
Maleria
Measles (Rubeola)
Meningitis, Viral
Meningococcal Infections
Mumps
Paratyphoid Fever, A, B and C (See Salmonella infections)
Pertussis (Whooping Cough)
Plague
Poliomyelitis, Paralytic
Psittacosis
Q Fever
Rabies, Human or Animal
Relapsing Fever
Rheumatic Fever, Acute
Rocky Mountain Spotted Fever
Salmonella, Infectious (exclusive of Typhoid Fever)
Scarlet Fever
Shigella Infections
Smallpox (Variola)
Streptococcal Infections, hemolytic (including Scarlet Fever, and Streptococcal Sore Throat)
Syphilis
Tetanus
Trachoma
Trichinosis
Tuberculosis
Tularemia
Typhoid fever, cases and carriers
Typhus Fever
Viral Exanthem in Pregnant Women
Yellow Fever

For outbreak reporting and reporting of occurrence of unusual and rare diseases see Sections 2502 and 2503.

(2) Title 17, California Administrative Code, Section 2502 requires:

"Any person having knowledge of any outbreak or undue prevalence of infectious or parasitic disease or infestation whether or not listed in Section 2500, shall promptly report the facts to the local health officer, who shall investigate the circumstances and if he finds that an epidemic or undue prevalence does in fact exist, he shall report the outbreak to the Director of the State Department of Health Services. The following are examples of diseases, outbreaks of which are to be so reported:

Epidemic Gastroenteritis (other than food poisoning)

Influenza, Epidemic

Pneumonia, Infectious

Epidemic Keratoconjunctivitis

Ringworm

Fevers of unknown etiology

Staphylococcus Infections

Infectious Mononucleosis

(3) Any person having knowledge of a case of an unusual disease not listed in Section 2500 shall promptly convey the facts to the local health officer. Examples are: glanders, herpangina, histoplasmosis, toxoplasmosis, echinococcosis, listeriosis, cat scratch fever, and rickettsialpox."

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(g) The item specified in (b)(1)(I) shall also be reported immediately to the local fire authority. In areas not having organized fire services a report shall be made to the State Fire Marshal within 24 hours.

(h) Licensees shall send copies of all substantiated complaints to parents, legal guardians, conservators, board members of the crisis nursery, child rights advocates or placement agencies, as designated in each child's placement agreement in accordance with Health and Safety Code Section 1538.5.

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Health and Safety Code Section 1538.5 reads in part:

"(a)(1) Not less than 30 days prior to the anniversary of the effective date of any residential community care facility license, except licensed foster family homes, the department may transmit a copy to the board members of the licensed facility, parents, legal guardians, conservators, client's rights advocate, or placement agency, as designated in each resident's placement agreement, of all inspection reports given to the facility by the state department during the past year as a result of a substantiated complaint regarding a violation of this chapter relating to resident abuse and neglect, food, sanitation, incidental medical care, and residential supervision. During that one-year period the copy of the notices transmitted and the proof of the transmittal shall be open for public inspection."

"(b) The facility operator, at the expense of the facility, shall transmit a copy of all substantiated complaints, by certified mail, to those persons described pursuant to paragraph (1) of subdivision (a) in the following cases:

(1) In the case of any substantiated complaint relating to resident physical or sexual abuse, the facility shall have three days, from the date the facility receives the licensing report from the state department to comply.

(2) In any case in which a facility has received three or more substantiated complaints relating to the same violation during the past 12 months, the facility shall have five days from the date the facility receives the licensing report to comply."

"(c) Each residential facility shall retain a copy of the notices transmitted pursuant to subdivision (b) and proof of their transmittal by certified mail for a period of one year after their transmittal."

"(d) If any residential facility to which this section applies fails to comply with the provisions of this section, as determined by the department, the department shall initiate civil penalty action against the facility in accordance with the provisions of Article 3 (commencing with Section 1530) and the related rules and regulations."

"(e) The department shall notify the residential community care facility of its obligation when it is required to comply with this section."

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(i) The licensee shall ensure that the child's authorized representative is notified no later than the next working day if the following circumstances have occurred without the authorized representative's participation:

(1) The child has been placed in the facility under emergency circumstances.

(2) The child has been removed from the crisis nursery.

(j) The licensee shall ensure that the child's authorized representative is sent prior written notification regarding the need for non-emergency relocation of the child to another facility.

(k) The licensee shall notify the Department, in writing, within ten (10) days of any change in the facility administrator. The notification shall include the following:

(1) Name and residence and mailing addresses of the new administrator.

(2) Date he/she assumed his/her position.

(3) Description of his/her background and qualifications, including documentation of required education.

(A) A photocopy of the documentation shall be permitted.

(l) The licensee shall notify the licensing agency in writing within ten working days of acquiring a new member of the board of directors. The notification shall include the following:

(1) Name and mailing address of the new member of the board of directors;

(2) Date he/she joined the board of directors, and

(3) A copy of the LIC 165 signed by the new member of the board of directors.

(m) Incident Reports must include the following:

(1) Date, time, duration and location of the incident.

(2) A detailed narrative, describing the incident and the events leading up to incident.

(3) Analysis of the incident:

(A) Other reportable incidents involving the same child.

(B) Description of other incidents.

1. Dates of previous incidents.

2. Types of incidents.

3. Action taken by crisis nursery personnel in response to incidents.

(C) The commonalities between this incident and other incidents involving the same child.

(4) Description of the crisis nursery plan for the child, in response to the incident.

(5) When the Incident Report is used to report a child's unexplained absence, the report must include the following:

(A) When and how was the child's absence first noted.

(B) If known, child's last known activities.

(C) What were the circumstances surrounding the child's absence.

(D) What action was taken by facility personnel to locate the child.

(E) If law enforcement was involved in the incident, a detailed description of the incident.

(F) Documentation that the child's authorized representative or legal guardian has been notified of the incident.

(n) A crisis nursery shall submit to the Department by the fifth day of each month a report on LIC 9219 that indicates the total number of children placed in the crisis nursery, and shall include the following information:

(1) Specify whether each child is voluntarily placed by the parents or legal guardians or placed directly by the county child welfare services, and

(2) The length of stay for each child in the crisis nursery.

(3) Specify the number of children receiving crisis day care services.

(o) Original LIC 9219 reports shall be kept on file and available for review upon request by an authorized representative of the licensing agency.

(1) The LIC 9219 shall be kept by the crisis nursery for at least three years.

(p) Before implementing any changes to the plan of operation, the licensee shall obtain written approval from the Department.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, 1516, 1520.1, 1522.41(b)(4), 1531, 1538.5, 1558.1, and 1562, Health and Safety Code; and 11406(c), Welfare and Institutions Code.

Adopt Section 86562 to read:

86562 FINANCES 86562

(a) The licensee shall meet the following financial requirements:

(1) Development and maintenance of a financial plan which ensures resources necessary to meet operating costs for care and supervision of children.

(2) Maintenance of financial records.

(3) Submission of financial reports as required upon the written request of the licensing agency.

(A) Such request shall explain the necessity for disclosure.

(B) The licensing agency shall have the authority to reject any financial report, and to request and examine additional information including interim financial statements. The reason(s) for rejection of the report shall be in writing.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1520 and 1531, Health and Safety Code.

Adopt Section 86563 to read:

86563 ACCOUNTABILITY 86563

(a) The licensee, is accountable for the general supervision of the crisis nursery, and for the establishment of policies concerning its operation.

(1) The governing body of the crisis nursery shall be active and functioning in order to ensure such accountability.

(b) The board of directors shall be active in ensuring accountability and shall perform at a minimum, the following duties:

(1) Establish and approve policies and procedures governing the operation of the crisis nursery;

(2) Approve and monitor the corporation's operating budget;

(3) Assess and maintain the level of funds necessary to cover the costs of operating the crisis nursery;

(4) Employ an administrator who meets the requirements of Section 86564;

(5) Complete a written statement describing the duties delegated to the administrator. Provide a copy of this statement to the administrator and maintain a copy in the facility's file;

(6) Require that the administrator, or a designee be present at all board of directors meetings during which the operation or the policies of the crisis nursery are discussed;

(7) Conduct board of directors meetings at least on a quarterly basis to review and discuss the crisis nursery's operation, licensing reports, financial and program audit reports of the crisis nursery operation, special incident reports, and any administrative action against the licensee or its employees. Based upon the review, ensure that the crisis nursery complies with all applicable regulations;

(8) Ensure that minutes are kept for all board of directors meetings and retained as a permanent record. The minutes shall reflect the board's discussion of the documents specified in Section 86563 (b)(7) above;

(9) Ensure that all minutes of board of directors meetings are available for review by the Department; and

(10) Submit copies of all corporate documents to the licensing agency at the time documents are submitted to the Secretary of State.

(c) The licensee shall provide each board of directors member with the "Facts You Need To Know, Crisis Nursery Board of Directors" (PUB 404) booklet made available by the Department.

(d) The licensee shall require that each board of directors member sign and date the form LIC 165 as specified in Section 86518(h). The signed original form shall be maintained in the crisis nursery's administrative office.

(1) A signed form shall be obtained from a prospective board of director's member before joining the board of directors.

(2) A permanent license shall not be issued until all members of the board of the directors have signed the form.

(3) The LIC 165 specified in (d) above shall be made available for review by the Department upon request.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86564 to read:

86564 ADMINISTRATOR QUALIFICATIONS AND DUTIES 86564

(a) Any member of the governing board of the licensed corporation, shall be permitted to be the administrator provided that he/she meets the qualifications specified in this section.

(b) The administrator shall have the following qualifications and shall perform the following duties:

(1) Knowledge of the requirements for providing the type of care and supervision needed by children in crisis nurseries, including ability to communicate with such children.

(2) Knowledge of and ability to comply with applicable law and regulation.

(3) Ability to maintain or supervise the maintenance of financial and other records and the preparation of the crisis nursery's budget and management of expenditures.

(4) Ability to direct the work of others.

(5) Ability to establish the facility's policy, program and budget.

(6) Ability and responsibility to recruit, employ, train, and evaluate qualified staff, and to terminate employment of staff when necessary.

(7) Review of complaints made by children or their authorized representative(s), comply with applicable reporting requirements, and take appropriate action.

(c) The administrator shall be on the premises for the number of hours necessary to manage and administer the crisis nursery in compliance with applicable law and regulation.

(d) All licensees shall have an administrator who meets one of the following requirements:

(1) A Master's Degree from an accredited graduate school, or a state-approved graduate school. The Master's Degree shall be in social work or social welfare, marriage, family and child counseling, counseling psychology or human services. In addition, the administrator shall have documented ability and leadership through a minimum of three years of experience in the field of

child or family services, two years of which have been in an administrative or managerial position.

(2) A Bachelor's Degree in a behavioral science from an accredited college or university. In addition, the administrator shall have demonstrated ability and leadership through a minimum of five years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.

(e) At all other times, when the administrator is absent from the crisis nursery, there shall be coverage by the lead caregiver. If the lead caregiver does not meet the administrator qualifications there shall be immediate access to the administrator or one who meets the administrator requirements. The lead caregiver shall have:

(1) Knowledge of the crisis nursery operations.

(2) Training in programs provided by the crisis nursery.

(3) Authority to correct deficiencies that constitute immediate threats to the health and safety of children in the crisis nursery.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1531, 1562, and 1538, Health and Safety Code.

Adopt Section 86565 to read:

86565 PERSONNEL REQUIREMENTS 86565

(a) The licensee shall employ those administrative, lead caregiver, caregiver, and volunteer and support staff necessary to perform the assigned duties specified in applicable law and regulation.

(1) The licensing agency shall have the authority to require any licensee to provide additional staff whenever the licensing agency determines and documents that additional staff are required for the provision of services necessary to meet the child(ren)'s needs. The licensee shall be informed in writing of the reasons for the licensing agency's determination.

(b) All personnel shall be given a copy of their job duties and responsibilities, and shall have access to all other job duties and responsibilities.

(c) The licensee shall be permitted to utilize fully trained volunteers as specified in Section 86565(v).

(d) Crisis nursery personnel shall be at least 18 years of age.

(e) The licensee shall provide for direct supervision of children during participation in or presence at potentially dangerous activities.

(1) An adult shall be present at all times while children are using a pool or other body of water.

(2) Adults who supervise while the children are using a pool or other body of water from which rescue requires the rescuer's ability to swim, shall have a current and valid water safety certificate.

(f) All personnel shall be given on-the-job training or shall have related experience which provides knowledge of and skill in the following areas, as appropriate to the job assigned and as evidenced by safe and effective job performance.

(1) Principles of nutrition, food preparation and storage and menu planning.

(2) Housekeeping and sanitation principles.

(3) Care and supervision of children, including communication.

(4) Recognition of early signs of illness and the need for professional assistance.

(5) Availability of community services and resources.

(6) Emergency preparedness and evacuation.

(7) Recognition, identification and reporting of signs and symptoms of child abuse.

(g) All personnel, including the licensee, administrator and volunteers, shall be in good health, and shall be physically, mentally, and occupationally capable of performing assigned tasks.

(1) Except as specified in (3) below, good physical health shall be verified by a health screening, including a test for tuberculosis, performed by or under the supervision of a physician not more than one year prior to or seven days after employment or licensure.

(2) A health screening report signed by the person performing such screening shall be made on each person specified above, and shall indicate the following:

(A) The person's physical qualifications to perform the duties to be assigned.

(B) The presence of any health condition that would create a hazard to the person, clients or other staff members.

(3) The good physical health of each volunteer who works in the facility shall be verified by:

(A) A statement signed by each volunteer affirming that he/she is in good health.

(B) A test for tuberculosis performed not more than one year prior to or seven days after initial presence in the facility.

(h) Personnel with evidence of physical illness that poses a threat to the health and safety of child(ren) shall be relieved of their duties.

(i) Prior to employment or initial presence in the facility, all staff and volunteers subject to a criminal record review shall:

(1) Obtain a California clearance or a criminal record exemption as required by law or Department regulations or

(2) Request a transfer of a criminal record clearance as specified in Section 86519(f) or

(3) Request and be approved for a transfer of a criminal record exemption, as specified in Section 86519.1(r), unless, upon request for the transfer, the Department permits the individual to be employed, reside or be present at the facility.

(j) At all times, there shall be coverage by qualified personnel to perform assigned tasks.

(k) Personnel shall provide for the care and safety of children without physical or verbal abuse, exploitation or prejudice.

(l) All personnel shall be instructed to report observations or evidence of violations of any of the personal rights specified in Section 86572.

(m) Lead caregivers, caregivers, and volunteers shall have a current and valid certificate verifying successful completion of pediatric first aid and pediatric cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Service Authority, or from an accredited college or university.

(n) The licensee shall develop, maintain and implement a written staff training plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all lead caregivers, caregivers, and volunteers. The licensee shall incorporate the training plan in the crisis nursery program statement.

(o) The licensee shall designate at least one lead caregiver to be present at the crisis nursery at all times when children are present.

(p) The lead caregiver shall have one of the following education and experience qualifications:

(1) Completion of 12 postsecondary semester units, or equivalent quarter units, with a passing grade, in early childhood education or child development at an accredited or approved college or university and 6 months of work experience in a licensed group home, licensed infant care center, or comparable group child care program.

(A) At least three semester units, or equivalent quarter units, shall include coursework in the care of infants.

(B) At least three semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.

(C) The written verification of experience shall include statements that the individual worked satisfactorily for at least three hours per day for 50 days in a six-month period, as a paid or volunteer staff member, and that a person who would qualify as a lead caregiver under these regulations supervised the experience.

(2) A current and valid Child Development Associate (CDA) credential, with the appropriate age level endorsement issued by the CDA National Credentialing Program, and at least six months of on-the-job training and/or work experience in a licensed child care center or comparable group child care program.

(A) The lead caregiver shall provide verification of the work experience, as specified in Section 86565(n)(1)(C) above, from the National Credentialing Program, 2460 16th Street, Northwest, Washington, D.C. 20009, (1-800-424-4310).

(B) At least three semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.

(3) A current and valid Child Development Associate Teacher Permit issued by the California Commission on Teacher Credentialing pursuant to California Code of Regulations, Title 5, Sections 80105 through 80116.

(A) At least three semester units, or equivalent quarter units, shall include coursework in abused and drug-exposed children.

(q) Lead caregivers shall have a minimum of 24 hours of training and orientation before working with children under six years of age.

(r) The written staff training plan shall require the lead caregiver to receive and document a minimum of 24 hours of annual training.

(A) Annual training may include the following topics: the development of children from birth through five; bonding and attachment; language acquisition; basic life support including best methods of toilet training; cultural competency; separation; grieving; discipline and limit setting; sexual abuse; communication enhancement; preventive health practices, and the dynamics of various causes and effects of family function and dysfunction; family counseling techniques; family education and support.

(B) Documentation of training shall include the date of training, the location, the title, a brief description of the training, names and signatures of staff attending onsite training, independent third-party verification of offsite training (i.e., official grade slips, transcripts, certificates, signed documentation from an approved or accredited institution or a licensee association), hours of training, name and qualifications of trainer(s).

(s) Caregiver staff shall complete a minimum of 24 hours of initial training and shall be included in the written staff training plan.

(1) The training plan shall include caregiver job shadowing activities, that include:

(A) A description of specific activities observed;

(B) Job classification of the individual being shadowed;

(C) Time spent on each activity; and

(D) Skill to be developed through each job shadowing activity.

(2) The training plan shall include for each training session the following:

(A) Course title and subject matter;

(B) Learning objectives and activities;

(C) Number of hours per training session;

(D) Qualifications of the trainer; and

(E) Training evaluation.

(t) The initial 24 hours of training for caregiver staff shall be comprised of the eight- and 16-hour training as specified in (t)(1) and (t)(2) below:

(1) Eight-Hour Training

(A) Training shall be completed before new caregiver staff are:

1. Responsible for supervising children,

2. Left alone with children, and

3. Counted in the staff to child ratio required in Sections 86565.5 and 86565.7.

(B) Until the eight hours of training are completed, new caregiver staff shall be visually supervised at all times by the lead caregiver.

(C) A maximum of four hours of the training requirement shall be satisfied by successful completion of job shadowing.

1. For purposes of this regulation, job shadowing means a process whereby new caregiver staff follow and observe experienced crisis nursery personnel performing a specific job. The purpose of job shadowing is to gain information related to a specific job including, materials used, physical demands, necessary skills and knowledge.

2. During shadowing, the experienced crisis nursery personnel being shadowed must be performing child care duties and counted in the staff to child ratios, as required in Section 86565.5.

3. Job shadowing shall promote the development of specific skills.

(D) Successful completion of job shadowing shall be verified by a statement completed by the experienced crisis nursery personnel being shadowed.

(E) Within seven-calendar days of completion of the eight-hour training, the administrator or administrator's designee shall assess if each caregiver staff understands and can apply the training.

1. The assessment may include observation of performance, post-testing or demonstrated hands-on competency.

2. The assessment shall be documented in each caregiver staff personnel record.

3. When the administrator or administrator's designee determines a caregiver staff does not understand and cannot apply the training, re-training is required.

(2) Sixteen hours of training shall be completed by new caregiver staff within 90 days of hire.

(A) Within 30 days of completion of the 16-hour training, the administrator or administrator's designee shall assess if each newly hired caregiver staff understands and can apply the training.

1. The assessment may include observation of performance, post-testing or demonstrated hands-on competency.

2. The assessment shall be documented in each caregiver staff personnel record.

3. When the administrator or administrator's designee determines a caregiver staff does not understand and cannot apply the training, re-training is required.

(B) Training shall include, at a minimum, all topics listed in (B)1. through (B)17. below. The licensee shall determine how much time is spent on each topic, and shall ensure that caregiver staff have appropriate skills necessary to supervise the children in care.

1. Overview of the client population served by the crisis nursery;

2. Facility's program and services, including program philosophy, activities and community resources;

3. Facility's policies and procedures, including reporting requirements to the Department and as a mandated child abuse reporter;

4. Caregiver workers' job description, including roles and responsibilities;

5. Role of other crisis nursery personnel;

6. Discipline policies and procedures;

7. Emergency response as specified in the emergency plan;

8. Teamwork and interpersonal communication among crisis nursery personnel and children and the child's family members;

9. Teamwork and intra-crisis nursery communication;

10. The role of placement workers and the role of the parent or legal guardian when a child is placed;

11. Medication procedures, assistance with medication, universal precautions, recognition of early signs of illness and the need for professional assistance, and other health related issues;

12. Crisis nursery children's adjustment to group care;

13. Housekeeping and sanitation principles; principles of nutrition, food preparation and storage and menu planning;

14. California Code of Regulations, Title 22, Division 6, Chapter 7.3, Crisis Nurseries;

15. Availability of community services and resources;

16. Recreation activities and resources; and

17. Families in crisis and stressful family situations.

(C) The training requirement shall be satisfied by successful completion of course work conducted in a workshop, seminar, classroom setting, individual or small group setting by a qualified individual.

1. A qualified individual shall possess: a) a master's degree in a behavioral science from an accredited college or university and one year experience as an administrator, social worker, child care staff, or independent contractor providing direct social work activities in a residential care facility for children; or, b) a master's degree and one year of work experience with the client population served or a bachelor's degree and two years of work experience with the client population served; or, c) a licensed mental health professional, as defined in California Code of Regulations Title 9, Chapter 12, Section 1901(p) or, d) a certificate or credential from an accredited course of study or educational institution in the subject matter for which the individual will be providing training; e) or, an individual who has provided training to staff in a residential care facility for children for three years and has at least three years work experience in the subject matter of the training.

(D) Documentation of successful completion of training shall be maintained in the personnel record for each child care staff.

(3) The 24-hour initial training is in addition to first aid and CPR training.

(u) All caregiver staff shall complete a minimum of 20 hours of annual training.

(1) At least 5 hours of the annual training shall consist of course work from an entity other than the crisis nursery, such as an accredited educational institution, workshops, seminars, or other direct training provided by a qualified individual who meets the requirements specified in Section 86565(t)(2)(C)1., who is not affiliated with the crisis nursery licensee.

(2) Annual training may include, but is not limited to, the following topics:

(A) Neglect/abuse issues;

(B) Attachment issues;

(C) Behavior problems/psychological disorders;

(D) Mental health/behavioral interventions;

(E) Substance abuse issues;

(F) Cultural diversity;

(G) Child development;

(H) Importance of sibling and family relationships;

(I) Placement agencies and the placement process;

(J) Topics listed in Sections 86565(t)(2)(B)1. through 17.

(3) Training topics shall be appropriate for the population of children served and services provided by the facility.

(4) The training requirement may be satisfied by successful completion of course work conducted in a workshop, seminar, or classroom setting, individual or small group setting by a qualified individual.

(5) Documentation of successful completion of training shall be maintained in the personnel record for each caregiver staff.

(6) Annual training is in addition to first aid and CPR training.

(v) The training plan shall address the initial 28 hours training requirements for volunteers. Volunteers shall complete eight- and 20-hour training specified in (v)(1) and (v)(2) below.

(1) Prior to assuming the duties and responsibilities of caring for children in a crisis nursery and being counted in the staff-to-child ratio, volunteers shall complete at least eight hours of initial training, as follows:

(A) Four hours of crisis nursery job shadowing with a trained and experienced caregiver or lead caregiver. Successful completion of job shadowing shall be verified by a statement completed by the experienced staff being shadowed. The training shall include the following:

1. Specific activities;

2. Time spent on each activity; and

3. The type of skill developed through each job shadowing activity.

(B) Two hours of review of Title 22, Division 6, Chapter 7.3, Crisis Nursery regulations.

(C) Two hours of review of a crisis nursery program, including:

1. The crisis nursery mission statement and

2. The goals and objectives, and special needs of the client population served.

(2) Within 90 days, volunteers who are included in the staff-to-child ratio shall complete at least 20 hours of training, as follows:

(A) Twelve hours of pediatric first aid, and pediatric cardiopulmonary resuscitation.

(B) Eight hours of child care health and safety issues, which may include the topics specified in Section 86565(t)(2)(B)1. through 17. above.

(3) Within 30 calendar days of completion of both the eight-hour and 20-hour training, the administrator or administrator's designee shall assess if each volunteer understands and can apply the training.

(A) The assessment may include observation of performance, post testing or demonstrated hands-on competency.

(B) The assessment shall be documented in each volunteer staff personnel record.

(C) When the administrator or administrator's designee determines a caregiver staff member does not understand and cannot apply the training, retraining is required.

(w) Volunteers who have completed a background check, CACI check, and TB test, but have not completed the 28 hours of training may assist a fully trained caregiver or lead caregiver in performing child care duties.

(1) Volunteers who have not completed the 28 hours of training shall have the following restrictions:

(A) Shall not be left alone with children.

(B) Shall always be under the direct supervision and observation of a fully trained caregiver or lead caregiver.

(C) Shall not be counted in meeting the minimum staff-to-child ratio requirements as specified in Section 86565.5.

(x) Volunteers shall meet the annual training requirements as specified in Section 86565(u).

(y) Documentation of successful completion of volunteer training shall be maintained in the personnel record for each volunteer.

(z) Upon employment, staff shall receive copies of the removal and/or discharge procedures specified in Section 86568.4, the discipline policies and procedures specified in Section 86572.1, and the complaint procedures specified in Section 86572.2.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1522, 1531, 1526.8, 1562, and 1596.866, Health and Safety Code; and 11467.1, Welfare and Institutions Code.

Adopt Section 86565.2 to read:

86565.2 PERSONNEL DUTIES 86565.2

(a) Lead caregiver, caregiver and volunteer staff shall perform, at a minimum, the following duties:

(1) Supervision, protection and care of children individually and in groups at all times.

(2) Assistance to each child in working with a group and in handling individual problems.

(3) Administration of discipline and setting of limits for behavior.

(4) Notation of the child's progress; identification of the possible need for professional services; and communication of such findings to professional staff.

(b) Support staff may include, but not be limited to, the following duties:

(1) Office work.

(2) Cooking.

(3) Housecleaning.

(4) Laundering.

(5) Maintenance of facility buildings, grounds, fixtures, furniture, equipment and supplies.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1526.8, and 1531, Health and Safety Code.

Adopt Section 86565.5 to read:

86565.5 STAFF TO CHILD RATIOS 86565.5

(a) There shall be at least one fully qualified and employed lead caregiver staff person on site at all times.

(b) There shall be at least one employed staff person present for every volunteer caregiver used by the crisis nursery for the purpose of meeting the minimum caregiver staffing requirements.

(c) There shall be at least one employed staff or volunteer caregiver for each group of three children, or fraction thereof, from 7 a.m. to 7 p.m.

(d) There shall be at least one paid caregiver or volunteer caregiver for each group of four children, or fraction thereof, from 7 p.m. to 7 a.m.

(e) There shall be at least one staff person or volunteer caregiver awake at all times from 7 p.m. to 7 a.m.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1526.8, and 1531, Health and Safety Code.

Adopt Section 86566 to read:

86566 PERSONNEL RECORDS 86566

(a) Personnel records shall be maintained on the licensee, administrator, lead caregiver, caregiver, volunteer caregiver and any other employee of the crisis nursery and shall contain the following information:

(1) Employee's full name.

(2) Driver's license number if the employee is to transport children.

(3) Date of employment.

(4) Duties of the employee.

(5) A statement signed by the employee/volunteer that he/she is at least 18 years of age.

(6) Home address and phone number.

(7) Documentation of the educational background, training and/or experience of employees/volunteers.

(8) Past experience, including types of employment and former employers.

(9) A health screening specified in Section 86565(g).

(10) Tuberculosis test documents as specified in Section 86565(g).

(11) For employees required to be fingerprinted pursuant to Section 86519:

(A) A signed statement regarding their criminal record history.

(B) Documentation of either a criminal record clearance or exemption.

(b) All personnel records shall be retained for at least three years following termination of employment including the termination date.

(c) All personnel records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:

(1) Licensing representatives shall not remove any current emergency and health-related information for current personnel unless the same information is otherwise readily available in another document or format.

(2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.

(3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

(d) In all cases, personnel records shall document the hours actually worked.

(e) All personnel records shall be maintained at the facility site.

(1) The licensee shall be permitted to retain such records in a central administrative location provided that they are readily available to the licensing agency at the facility site.

(f) The licensee shall also maintain the following information in the personnel records:

(1) Complete job descriptions on all positions within the facility.

(2) A description of all staff assignments, including information regarding lines of authority and staff responsibilities.

(3) A dated employee time schedule developed at least monthly, displayed conveniently for employee reference, and containing the following information for each employee:

(A) Name.

(B) Job title.

(C) Hours of work.

(D) Days off.

(4) A record of each work performance evaluation and any correspondence with the employee.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1531, and 1562, Health and Safety Code.

Adopt Section 86568.1 to read:

86568.1 INTAKE PROCEDURES 86568.1

(a) The licensee shall develop, maintain, and implement intake procedures which meet the requirements specified in this section.

(b) The crisis nursery may conduct an initial assessment by telephone to obtain the following information:

(1) Parent's name and phone number.

(2) Determining the family crisis or stressful situation.

(3) The age and physical and mental health of the child.

(4) A determination that the crisis nursery can meet the needs of the child.

(5) The child's expected length of stay.

(c) Prior to a child being placed in a crisis nursery, the following requirements shall be met.

(1) The information specified in Sections 86570(b)(1) through (13) shall be obtained from the child's parent, legal guardian, authorized representative, or the placement agency, if any.

(A) For county placements, if the information is not completed by a placement agency, the licensee shall make telephone and/or written requests for the information to the child's placement agency and/or authorized representative, and shall record and retain the details of those requests.

(2) The crisis nursery shall obtain the information specified in (b) above if not already obtained by an initial phone assessment.

(d) The crisis nursery shall make a determination based on the information specified in paragraph (b), if obtained, and (c) above, to determine whether the crisis nursery can provide the services necessary to meet the child's needs.

(1) The crisis nursery shall not admit any child, if it is determined that the crisis nursery cannot meet the child's needs.

(e) If the child is accepted for placement, the following requirements shall be met:

(1) Completion of an admission form developed by the crisis nursery which shall include a description of the family history, child health information, emergency information, dietary requirements, daily needs, habits or routines, and the disciplinary methods used by the parents.

(2) Obtain signed consent by the parent, legal guardian, or authorized representative for medical care.

(3) Obtain signed consent by the parent, legal guardian or authorized representative to administer medication to the child.

(4) Completion of the initial assessment plan as specified in Section 86568.2.

(5) Ensure that the parents, legal guardians, or authorized representatives understand, sign, and receive a copy of the following:

(A) Personal rights as specified in Section 86572.

(B) Discipline policies and procedures as specified in Section 86572.1.

(C) Complaint procedures as specified in Section 86572.2.

(D) Removal and Discharge procedures as specified in Section 86568.4.

(f) In addition to the requirements specified in this section, an admission agreement shall be completed and signed by the child's authorized representative when a county places a child in a crisis nursery. The admission agreement shall at a minimum contain the following information:

(1) Basic services.

(2) Available optional services.

(3) Payment provisions, including the following:

(A) Basic rate.

(B) Optional services rates.

(C) Payor.

(D) Due date.

(E) Frequency of payment.

(4) Right of the licensing agency to perform the duties authorized in Sections 86544(b) and (c).

(5) Conditions under which the agreement may be terminated.

(6) The facility's policy concerning family visits and other communication with clients, pursuant to Health and Safety Code Section 1512.

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Section 1512 of the Health and Safety Code provides, in part:

This policy shall be designed to encourage regular family involvement with the client and shall provide ample opportunities for family participation in activities at the facility.

HANDBOOK ENDS HERE

(g) The admission agreement shall be signed and dated acknowledging the contents of the document, by the child's authorized representative and the licensee or the licensee's designated representative no later than seven calendar days following admission.

(h) Modifications to the admission agreement shall be made whenever circumstances covered in the agreement change, and shall be signed and dated by the licensee and the child's authorized representative.

(i) The licensee shall retain in the child's file the initial admission agreement and all subsequent modifications.

(1) The licensee shall provide a copy of the current admission agreement to the child's authorized representative.

(j) The licensee shall comply with all terms and conditions set forth in the admission agreement.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86568.2 to read:

86568.2 INITIAL ASSESSMENT PLAN 86568.2

(a) At the time of placement, the licensee or a designated person shall develop an Initial Assessment Plan which identifies the immediate needs of the child, and shall include the following:

(1) Name.

(2) Age.

(3) Physical limitations.

(4) History of infections or contagious diseases, if known.

(5) History of other medical, emotional, behavioral or physical problems, if known.

(6) Plan for providing services to meet the individual needs identified above.

(7) Planned length of stay.

(b) Within seven days of placement, the initial assessment plan shall also address and work towards alleviating the family crisis or stressful situation by including the following:

(1) Identify the family crisis or stressful situation

(2) Identify the services to be provided by the crisis nursery in cooperation with community resources. These services may include referrals to appropriate family treatment, counseling and prevention services.

(3) Visitation, including the frequency of and any limitations on visits inside and outside the crisis nursery.

(c) The licensee shall ensure that the child's parent, guardian, or authorized representative(s) are offered the opportunity to participate in the development of the initial assessment plan.

(d) Once the initial assessment plan is completed, the signatures of the parents, legal guardians or authorized representatives of the child and the signature of the licensee or the licensee's designee is required.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86568.4 to read:

86568.4 REMOVAL AND DISCHARGE PROCEDURES 86568.4

(a) The licensee or designee shall develop, maintain and implement written policies and procedures governing a child's removal and/or discharge from the crisis nursery.

(1) The child's parent, guardian, or authorized representative(s) shall receive copies of such policies and procedures.

(2) Signed copies of such policies and procedures shall be maintained in the child's record, as specified in Section 86570.

(b If it is determined that the facility cannot meet the needs of the child, the licensee shall notify the child's parent, guardian, or authorized representative(s) of the determination and request that the child be placed elsewhere.

(c) Nothing in this section is intended to prevent the child's removal from the facility under emergency circumstances by an authorized person or agency.

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Examples of such emergency circumstances include:

(1) When removal is necessary because the health and safety of the child or of other children in the facility is endangered by the child's continued presence in the facility.

(2) Removal for emergency medical or psychiatric care.

(3) Relocation by the child's authorized representative(s).

HANDBOOK ENDS HERE

(d) Crisis nursery staff shall develop and maintain a written removal or discharge record containing the information specified in Sections 86570(g).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86570 to read:

86570 CHILDREN'S RECORDS 86570

(a) A separate, complete, and current record shall be maintained in the crisis nursery for each child.

(b) Each record must contain information including, but not limited to, the following:

(1) Name of child.

(2) A recent photograph and physical description of the child.

(3) Birth date.

(4) Sex.

(5) Names, addresses, and telephone numbers of the parent, guardian, or authorized representative.

(6) A signed copy of the admission agreement for county placements.

(7) Name, address and telephone number of physician and dentist, and other medical and mental health providers, if any.

(8) Record of current medications, including the name of the prescribing physician, and instructions, if any, regarding control and custody of medications.

(9) The name, address, and telephone number of all adults with whom the child was living immediately prior to the current placement.

(10) Dental and medical history, if available, including immunization records; and physician's orders for any medically necessary diet as specified in Section 86576.

(11) The child's court status, if applicable, including a copy of any custody orders and agreements with parent(s) or person(s) having legal custody.

(12) A request in writing that a parent not be allowed to visit a child or take a child from the crisis nursery provided the custodial parent has shown a certified copy of a court order.

(13) A list of persons who should not be allowed to visit.

(14) Consent forms, completed by the child's parent, legal guardian, or authorized representative(s), to permit the facility to authorize medical care.

(15) Date of admission.

(16) The child's initial assessment plan.

(c) All information and records obtained from or regarding the child shall be confidential.

(1) The licensee shall be responsible for safeguarding the confidentiality of record contents.

(2) Except as specified in (d) below, or as otherwise authorized by law, the licensee and all employees shall not reveal or make available confidential information.

(d) All child records shall be subject to reproduction by the licensing agency upon demand during normal business hours.

(1) A child's records shall also be open to inspection by the client's parent, legal guardian or authorized representative, if any.

(e) The information specified in (b)(1)-(15) above must be updated as necessary to ensure the accuracy of the client's record.

(f) Original or photographic reproduction of all client records shall be retained for at least three years following termination of service to the client.

(g) If it is determined that the child is to be removed or discharged from the crisis nursery, the following information shall be maintained in the child's record:

(1) Date the child's authorized representative(s) was notified of the necessity for the child's removal or discharge.

(2) The name, address, and relationship to the child of the person to whom the child was released.

(3) Reason for the child's removal or discharge.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507, 1516, and 1531 Health and Safety Code.

Adopt Section 86572 to read:

86572 PERSONAL RIGHTS 86572

(a) The caregiver shall ensure that each child is accorded the personal rights specified in this section.

(b) Each child's parent, legal guardian or authorized representative, shall be personally advised, and given at admission, a copy of the rights specified in (c) below.

(c) Each child shall have personal rights which include but are not limited to the following:

(1) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment that are appropriate to his/her age and needs.

(2) To be treated with respect and to be free from physical, sexual, emotional or other abuse.

(3) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to be treated with respect and to be free from discrimination, intimidation or harassment based on sex, actual or perceived race, ethnic group identification, color, religion, ancestry, national origin, mental or physical disability, medical condition, HIV status, or sexual orientation or perception.

(4) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.

(5) To receive adequate and healthy food.

(6) To be provided adequate clothing and personal items.

(A) To wear his/her own clothes.

(7) To receive necessary medical, dental, vision, and mental health services.

(8) To be free of the administration of medication or chemical substances, unless authorized by a physician and, if required, by court order.

(9) To have social contacts with people outside of the crisis nursery, such as teachers, church members, mentors and friends.

(10) To contact and visit family members, unless prohibited by court order.

(11) To contact social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

(12) To have visitors, provided the rights of others are not infringed upon, including:

(A) Relatives, during waking hours, unless prohibited by court order, or by the child's parent, legal guardian, or authorized representative.

(B) Authorized representative.

(C) Other visitors, unless prohibited by court order or by the child's parent, legal guardian or authorized representative.

(13) To contact Community Care Licensing Division of the California Department of Social Services, or the State Foster Care Ombudsman regarding violations of rights, to speak to representatives of these offices confidentially and to be free from threats or punishments for making complaints.

(A) The child's parent, legal guardian, or authorized representative shall be informed by the caregiver of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency and of information regarding the confidential registration of complaints.

(14) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.

(A) Reasonable restrictions may be imposed by the placement worker/caregiver to calls and correspondence.

(B) Other reasonable restrictions may be imposed. The licensee may:

1. Request long distance cost reimbursement, for calls made by the child, from the child's parent, legal guardian or authorized representative;

2. Be permitted to deny the making of long distance calls by the child upon verification that previous long distance calls have not been paid.

3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies;

(D) To have access to letter writing material.

(15) To be free to attend religious services and activities of his/her choice and to have visits from the spiritual advisor of his/her choice.

(16) To be accorded the independence appropriate to the child's age, maturity, and capability, and to attend and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.

(17) To not be locked in any room, or building.

(A) The caregiver shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of the children so long as the children can exit from the crisis nursery.

(18) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.

(A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a child's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a child from falling out of bed, a chair, etc.

1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.

(B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.

(C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the resident.

(D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Sections 86520(a) or (b), has been secured.

(E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.

(F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a child's hands or feet.

1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.

(G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a child's mobility but rather protect the child from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.

1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.

2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.

(H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes.

(19) To be free to attend court hearings and speak to the judge.

(20) To be accorded dignity in his/her personal relationships with other persons in the crisis nursery.

(A) To be free from unreasonable searches of person.

(B) To be free from unreasonable searches of personal belongings.

(21) To have all the child's court records be confidential, consistent with existing law.

(d) Nothing in this section shall be interpreted to require the licensee to take any action that would impair the health and safety of children in out-of-home placement.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Unruh Civil Rights Act, Civil Code Section 51.

Adopt Section 86572.1 to read:

86572.1 DISCIPLINE POLICIES AND PROCEDURES 86572.1

(a) The licensee shall develop, maintain and implement a written discipline policies and procedures plan.

(b) The licensee or designee shall provide a copy of the discipline policies and procedures to parents, staff, legal guardian, and authorized representatives.

(c) Discipline for children under the age of six years shall be education-based, consistent among caregivers, and include the following:

(1) Redirecting the child's attention.

(2) Focusing on the rule to learn and the reason for the rule.

(3) Providing acceptable alternatives.

(4) Providing time away from the precipitating situation.

(5) Arranging the environment to allow safe testing of limits.

(d) Discipline shall not include confinement to cribs, high chairs, playpens or other similar furniture or equipment.

(e) The licensee shall prohibit any form of discipline that violates a child's personal rights as specified in Section 86572.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86572.2 to read:

86572.2 COMPLAINT PROCEDURES 86572.2

(a) The licensee shall develop, maintain and implement written complaint procedures by which children, parents, legal guardians, or authorized representatives are permitted to file complaints, without fear of retaliation, with the facility administrator regarding facility staff or operations.

HANDBOOK BEGINS HERE

The Child's parents, legal guardians or their authorized representatives may file complaints with the licensing agency.

HANDBOOK ENDS HERE

(1) Parents, staff, legal guardian, or authorized representatives shall receive copies of such procedures.

(2) Signed copies of such procedures shall be maintained in each child's record.

(3) Such procedures shall be posted in a location in the crisis nursery which is accessible to children, their parents, legal guardians or authorized representatives.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86574 to read:

86574 TRANSPORTATION 86574

(a) The licensee shall ensure that all transportation provided for children in their care is provided in vehicles that are in safe operating condition and that the drivers comply with all applicable laws.

(b) No child shall be left unattended in a vehicle.

(c) The licensee or designee shall secure children in the vehicle in an appropriate restraint device according to the California Vehicle Code and, if applicable, the manufacturers' instructions for the infant car seat(s).

(1) The licensee or designee shall use other restraint or protective devices that are required due to the child's disabilities or physical and medical condition.

(2) The licensee or designee shall secure children in the vehicle so that the child is not in danger of being injured by the vehicle's airbag.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86575 to read:

86575 HEALTH RELATED SERVICES 86575

(a) The licensee shall ensure that each child receives necessary first aid and other needed medical or dental services, including arrangement for and/or provision of transportation to the nearest available services.

(b) When a child has a health condition that requires the administration of medication, the licensee shall ensure that the caregiver shall:

(1) Assist children with self-administration as needed.

(2) Ensure that instructions are followed as outlined by the appropriate medical professional.

(3) Medication shall be stored as instructed in the original container with the original unaltered label in a locked and safe area that is not accessible to children.

(4) Prescription medication must be administered as per directions on the label or as advised by the physician in writing.

(5) Non-prescription medication must be administered as directed by the appropriate medical professional and documented by the caregiver.

(6) The administration of PRN medication shall also require documentation by the caregiver of the date, time and dose of medication administered.

(7) If the child can not determine his/her own need, the caregiver shall determine need in accordance with medical instructions.

(c) Prescription medications which are not taken with the client upon termination of services, or which are not to be retained shall be destroyed by the facility administrator, or a designated substitute, and one other adult.

(1) Both shall sign a record, to be retained for at least one year, which lists the following:

(A) Name of the client.

(B) The prescription number and the name of the pharmacy.

(C) The drug name, strength and quantity destroyed.

(D) The date of destruction.

(d) Staff responsible for providing direct care and supervision shall receive training in pediatric first aid and pediatric CPR from persons qualified by agencies including but not limited to the American Red Cross.

(1) The licensee shall maintain copies of unexpired pediatric first aid and pediatric CPR certificates documenting the training required.

(e) First aid supplies shall be maintained and be readily available in an easily identifiable location in the facility.

(1) The supplies shall include at least the following:

(A) A current edition of a first aid manual approved by the American Red Cross, the American Medical Association or a state or federal health agency.

(B) Sterile first aid dressings.

(C) Bandages or roller bandages.

(D) Adhesive tape.

(E) Scissors.

(F) Tweezers.

(G) Thermometers.

(H) Antiseptic solution.

(f) There shall be at least one person capable of and responsible for communicating with emergency personnel in the crisis nursery at all times. The following information shall be readily available:

(1) The name, address and telephone number of each child's physician and dentist, and other medical and mental health providers, if any.

(2) The name, address and telephone number of each emergency agency, including but not limited to the fire department, crisis center or paramedical unit. There shall be at least one medical resource available to be called at all times.

(3) The name and telephone number of an ambulance service.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1507, 1516, and 1531, Health and Safety Code.

Adopt Section 86576 to read:

86576 FOOD SERVICES 86576

(a) Crisis nurseries shall provide meals to children, as follows:

(1) All food shall be safe and of the quality and in the quantity necessary to meet the needs of the children in a crisis nursery. All food shall be selected, stored, prepared and served in a safe and healthful manner.

(A) Each meal shall include, at a minimum, the amount of food components as specified by Title 7, Code of Federal Regulations, Part 226.20, (Revised January 1, 1990) Requirements for Meals, for the age group served.

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(A) REQUIREMENTS FOR MEALS: (as specified by Title 7, Code of Federal Regulations, Part 226.20.)

	Birth through 3 months	4 through 7 months	8 through 11 months
Breakfast	4-6 fl. oz. formula 1	4-8 fl. oz. formula1 or breast milk. 0-3 Tbsp. infant cereal2 (optional).	6-8 fl. oz. formula1, breast milk, or whole milk. 2-4 Tbsp. infant cereal 2. 1-4 Tbsp. fruit and/or vegetable.
Lunch or Supper	4-6 fl. oz. formula 1	4-8 fl. oz. formula1 or breast milk. 0-3 Tbsp. infant cereal2 (optional). 0-3 Tbsp. fruit and/or vegetable (optional).	6-8 fl. oz. formula 1, breast milk, or whole milk. 2-4 Tbsp. infant cereal2 and/or 1-4 Tbsp. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or 1/2-2 oz. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread. 1-4 Tbsp. fruit and/or vegetable.
Supplement	4-6 fl. oz. formula1.	4-6 fl. oz. formula1.	2-4 fl. oz. formula1,

breast milk, whole milk,
or fruit juice3.
0-1/2 bread or
0-2 crackers (optional)4.

1 Shall be iron-fortified infant formula.
2 Shall be iron-fortified dry infant formula.
3 Shall be full-strength fruit juice.
4 Shall be from whole-grain or enriched meal or flour.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

BREAKFAST

(1) The minimum amount of food components to be served as breakfast as set forth in paragraph (a)(1) of [7 CFR, Part 226.20, Revised January 1, 1990] are as follows:

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12
Milk			
Milk, fluid.	1/2 cup2	3/4 cup	1 cup
Vegetables and Fruits			
Vegetable(s) and/or fruit(s)	1/4 cup	1/2 cup	1/2 cup
or			
Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s), and juice	1/4 cup	1/2 cup	1/2 cup
Bread and Bread Alternates3	1/2 slice	1/2 slice	1 slice
Bread			
or			
Cornbread, biscuits, rolls,	1/2 serving	1/2 serving	1 serving

muffins, etc.4 or Cold dry cereal5 or Cooked cereal or Cooked pasta or noodle products or Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.	1/4 cup or 1/3 oz. 1/4 cup 1/4 cup 1/4 cup	1/3 cup or 1/2 oz. 1/4 cup 1/4 cup 1/4 cup	3/4 cup or 1 oz. 1/2 cup 1/2 cup 1/2 cup

1 Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children 6 up to 12.

2 For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.

3 Bread, pasta, or noodle products, and cereal grains, shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.

4 Serving sizes and equivalents to be published in guidance materials by FNS.

5 Either volume (cup) or weight (oz.) whichever is less.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

LUNCH OR SUPPER

(2) The minimum amounts of food components to be served as lunch or supper as set forth in paragraph (a)(2) of ...[7 CFR, Part 226.20, Revised January 1, 1990] are as follows:

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12
Milk			
Milk, fluid.	1/2 cup2	3/4 cup	1 cup
Vegetables and Fruits3			
Vegetable(s) and/or	1/4 cup total	1/2 cup total	3/4 cup total

fruit(s)			
Bread and Bread Alternates4	1/2 slice	1/2 slice	1 slice
Bread or Cornbread, biscuits, rolls, muffins, etc.5	1/2 serving	1/2 serving	1 serving
or Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
or Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.	1/4 cup	1/4 cup	1/2 cup
	1 oz.	1-1/2 oz.	2 oz.
Meat and Meat Alternates	1 oz.	1-1/2 oz.	2 oz.
Lean meat or poultry or fish6	1 egg	1 egg	1 egg
or Cheese	1/4 cup	3/8 cup	1/2 cup
or Eggs or Cooked dry beans or peas or			
Peanut butter or soy nut butter or other nut or seed butters	2 tbsp.	3 tbsp.	4 tbsp.
or Peanuts or soy nuts or tree nuts or seeds7	1/2 oz.8 = 50%	3/4 oz.8 = 50%	1 oz.8 = 50%
or An equivalent quantity of any combination of the above meat/meat alternates.			

1 Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.

2 For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.

3 Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

4 Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour.

5 Serving sizes equivalents to be published in guidance materials by FNS.

6 Edible portion as served.

7 Tree nuts and seeds that may be used as meat alternates are listed in program guidance.

8 No more than 50% of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

SUPPLEMENTAL FOOD

(3) The minimum amounts of food components to be served as supplemental food as set forth in paragraph (a)(3) of ...[7 CFR, Part 226.20, Revised January 1, 1990] are as follows. Select two of the following four components. (Juice may not be served when milk is served as the only other component.)

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12
Milk			
Milk, fluid.	1/2 cup2	1/2 cup	1 cup
Vegetables and Fruits			
Vegetable(s) and/or fruit(s)	1/2 cup	1/2 cup	3/4 cup
or			
Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s), and juice.	1/2 cup	1/2 cup	3/4 cup
Bread and Bread Alternates3	1/2 slice	1/2 slice	1 slice
Bread	1/2 serving	1/2 serving	1 serving
or			
Cornbread, biscuits, rolls, muffins, etc.4	1/4 cup or 1/3 oz.	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
or			
Cold dry cereal5	1/4 cup	1/4 cup	1/2 cup
or			
Cooked cereal	1/4 cup	1/4 cup	1/2 cup
or			
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
or			
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.	1/2 oz.	1/2 oz.	1 oz.
	1/2 oz.	1/2 oz.	1 oz.
	1/2 egg	1/2 egg	1 egg
Meat and Meat	1/8 cup	1/8 cup	1/4 cup

Alternates			
Lean meat or poultry or fish6	1 tbsp.	1 tbsp.	2 tbsp.
or Cheese			
or Eggs	1/2 oz.	1/2 oz.	1 oz.
or Cooked dry beans or peas	2 oz. or 1/4 cup	2 oz. or 1/4 cup	4 oz. or 1/2 cup
or Peanut butter or soy nut butter or other nut or seed butters			
or Peanuts or soy nuts or tree nuts or seeds7			
or Yogurt, plain, or sweetened and flavored			
or An equivalent quantity of any combination of the above meat/meat alternates.			

1 Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.

2 For purposes of the requirements outlined in this paragraph, a cup means a standard measuring cup.

3 Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.

4 Serving sizes and equivalents to be published in guidance materials by FNS.

5 Either volume (cup) or weight (oz.), whichever is less.

6 Edible portion as served.

7 Tree nuts and seeds that may be used as meat alternates are listed in program guidance.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

HANDBOOK ENDS HERE

(2) Where all food is provided by the crisis nursery, arrangements shall be made so that each child has available at least three meals per day.

(A) Not more than 15 hours shall elapse between the third meal of one day and first meal of the following day.

(3) Menus shall be written at least one week in advance and copies of the menus as served shall be dated and kept on file for at least 30 days. Menus shall be made available for review by the child's parent, legal guardian or authorized representative and the licensing agency upon request.

(4) Modified diets prescribed by a client's physician as a medical necessity shall be provided.

(A) The licensee shall obtain and follow instructions from the physician or dietitian on the preparation of the modified diet.

(5) Commercial foods shall be approved by appropriate federal, state and local authorities. All foods shall be selected, transported, stored, prepared and served so as to be free from contamination and spoilage and shall be fit for human consumption. Food in damaged containers shall not be accepted, used or retained.

(6) Except upon written approval by the licensing agency, meat, poultry and meat food products shall be inspected by state or federal authorities. Written evidence of such inspection shall be available for all products not obtained from commercial markets.

(7) All home canned foods shall be processed in accordance with standards of the University of California Agricultural Extension Service. Home canned foods from outside sources shall not be used.

(8) If food is prepared off the facility premises, the following shall apply:

(A) The preparation source shall meet all applicable requirements for commercial food services.

(B) The facility shall have the equipment and staff necessary to receive and serve the food and for cleanup.

(C) The facility shall maintain the equipment necessary for in-house preparation, or have an alternate source for food preparation, and service of food in emergencies.

(9) All persons engaged in food preparation and service shall observe personal hygiene and food services sanitation practices which protect the food from contamination.

(10) All foods or beverages capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxications shall be stored in covered containers at 45 degrees F (7.2 degrees C) or less.

(11) Pesticides and other similar toxic substances shall not be stored in food storerooms, kitchen areas, food preparation areas, or areas where kitchen equipment or utensils are stored.

(12) Soaps, detergents, cleaning compounds or similar substances shall be stored in areas separate from food supplies.

(13) All kitchen, food preparation, and storage areas shall be kept clean, free of litter and rubbish, and measures shall be taken to keep all such areas free of rodents, and other vermin.

(14) All food shall be protected against contamination. Contaminated food shall be discarded immediately.

(15) All equipment, fixed or mobile, dishes, and utensils shall be kept clean and maintained in safe condition.

(16) All dishes and utensils used for eating and drinking and in the preparation of food and drink shall be cleaned and sanitized after each usage.

(A) Dishwashing machines shall reach a temperature of 165 degrees F (74 degrees C) during the washing and/or drying cycle to ensure that dishes and utensils are cleaned and sanitized.

(B) Facilities not using dishwashing machines shall clean and sanitize dishes and utensils by an alternative comparable method.

(17) Equipment necessary for the storage, preparation and service of food shall be provided, and shall be well-maintained.

(18) Tableware and tables, dishes, and utensils shall be provided in the quantity necessary to serve children in the crisis nursery.

(19) The licensing agency shall have the authority to require the facility to provide written information, including menus, regarding the food purchased and used over a given period when it is necessary to determine if the licensee is in compliance with the food service requirements in the regulations in this Division.

(A) The licensing agency shall specify in writing the written information required from the licensee.

(b) Written menus shall be posted weekly in an area accessible to the staff and children.

(c) The licensee shall meet the following food supply and storage requirements:

(1) Supplies of staple nonperishable foods for a minimum of one week and fresh perishable foods for a minimum of two days shall be maintained on the premises.

(2) Freezers shall be large enough to accommodate required perishables and shall be maintained at a temperature of zero degrees F (-17.7 degrees C).

(3) Refrigerators shall be large enough to accommodate required perishables and shall maintain a maximum temperature of 45 degrees F (7.2 degrees C).

(d) Meals shall be age-appropriate for food groups, special needs, and portion control.

(e) Meals shall vary weekly for children no longer on an infant bottle as a primary source of nutrition.

(f) Children who are not bottle-fed, as a primary source of nutrition, shall be given at least three nutritious snacks daily.

(g) Staff shall not serve a child food to which the child has an allergy or as indicated in the child's record.

(h) The facility shall not serve honey or corn syrup to any infant.

(i) Crisis nursery staff supervising children under the age of six years shall wash their hands with antibacterial soap and water before each meal as follows:

(1) Using only soap in a dispenser, either liquid or powder.

(2) Using only disposable paper towels or an air drying machine for hand drying.

(j) To the extent possible meals shall be served in a group setting.

(1) Mealtimes shall be flexible and children shall be allowed to eat frequently.

(2) Commercially prepared baby food in jars shall be transferred to a dish before being fed to an infant.

(A) The staff shall discard any food left over in the dish at the end of the meal.

(k) The staff shall use appropriate seating equipment while feeding children under the age of six years.

(1) Children under the age of six years who are unable to sit unassisted shall be held by fully trained crisis nursery staff.

(2) If staff use high chairs or feeding tables, the high chairs or feeding tables shall have the following:

(A) A wide base.

(B) A safety strap shall be properly secured around the child or a tray that properly latches on both sides.

(3) Staff shall not allow an infant to pull on, climb on, climb into, or stand up in a high chair.

(l) There shall be an individual feeding plan for each infant that includes the following:

(1) The feeding schedule.

(2) The kind of milk or formula.

(3) The schedule for introduction of solid and new foods.

(4) Food consistency.

(5) Food likes and dislikes.

(6) Food allergies.

(7) Schedule for introduction of cups and utensils.

(m) Staff shall feed an infant according to the individual plan.

(1) Fully trained staff shall hold the infant while bottle-feeding, unless it is necessary to protect the infant from over stimulation during mealtimes.

(2) If an infant holds the bottle, it shall be unbreakable and the child shall not be allowed to carry a bottle while ambulating.

(3) At no time shall a bottle be propped for an infant.

(n) The crisis nursery shall not use the food preparation area for the following:

(1) Children's play activities, unless such activities are part of a supervised food education program.

(2) Napping.

(3) Children's passageway, while food is being prepared or served.

(4) Bathing infants or rinsing diapers or clothing.

(o) Bottles and nipples shall be sterilized using any of the following methods after each use:

(1) Boiled for a minimum of five minutes and air dried.

(2) Soaked for a minimum of one minute in a sterilizing solution using one-half cup bleach and five gallons of water and air dried.

(3) Washed and sterilized using a commercial bottle sterilizer according to the manufacturer's directions or a dishwasher.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86577 to read:

86577 PERSONAL SERVICES 86577

(a) The staff shall keep children under the age of six years clean and dry at all times.

(b) The staff shall wash his/her hands with soap and water before and after each diaper change or toilet training session.

(1) Staff shall use only soap in a dispenser, either liquid or powder.

(2) Staff shall use only disposable paper towels in an appropriate holder or dispenser or an air drying machine, for hand drying.

(c) Staff shall diaper each infant on a changing table, or on a changing pad placed on the floor, which meets the following specifications:

(1) Has a padded surface no less than one inch thick, covered with washable vinyl or plastic.

(2) Is in good repair and safe condition.

(3) Is located outside the kitchen/food preparation area.

(4) Is disinfected after each use, even when disposable covers are used.

(5) If disposable paper towels or similar materials cover infant changing tables or pads, they shall be discarded following each diaper change.

(6) Changing tables shall have raised sides at least three inches high.

(7) Changing tables and pads shall be placed within arms reach of a sink, when in use.

(8) No infant shall be left unattended while on a changing table

(d) Children shall be toilet trained according to a written toilet training plan.

(1) The written plan shall be developed by the licensee and placing agency in consultation with the child's parent, legal guardian or authorized representative and include:

(A) The method of toilet training.

(B) How to introduce and use appropriate training equipment.

(C) How to introduce and use appropriate clothing.

(D) Specifications regarding whether to use diapers.

(2) If children use potty chairs, staff shall assure the following:

(A) Potty chairs are placed on the floor and used according to the manufacturer's instructions.

(B) Contents are emptied into a flushing toilet promptly after each use.

(C) The surfaces are thoroughly cleaned and disinfected after each use.

(D) Children do not play with potty chairs.

(E) No child shall be left unattended while on a potty chair or seat.

(3) Staff shall instruct and help children in hand washing after use of the toilet.

(e) Sleeping arrangements shall meet the following requirements:

(1) Only one child at a time shall occupy a crib, floor mat, cot, or bed.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86578 to read:

86578 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION 86578

(a) A crisis nursery may provide temporary emergency care to children under six years of age who have been taken into protective custody of, or are placed directly by, the county child welfare services system that has assumed responsibility for the care of the children.

(b) The licensee shall provide care and supervision as necessary to meet the children's needs at all times.

(c) The licensee shall provide those services identified in each child's initial assessment plan.

(d) The licensee shall not allow visiting by an apparently intoxicated individual or one who disrupts the child care function of the crisis nursery.

(e) When necessary, the licensee shall provide each child a personal, seasonally-appropriate wardrobe.

(f) Staff shall inventory and label each child's clothing and personal belongings.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86578.1 to read:

86578.1 SANITATION REQUIREMENTS 86578.1

(a) The licensee shall ensure that staff use universal health precautions and preventive health practices including the following:

(1) Wear latex gloves and eye protective gear when dealing with bleeding wounds and/or handling objects contaminated with blood.

(2) Wash hands before and after diapering, after handling objects contaminated with secretions (saliva, blood, nasal discharge) or excreta, and before and after meals.

(3) Assure that the children wash their hands after toileting and before meals.

(4) Thoroughly wash bedding, towels, and washcloths used on or by infants daily or more often, if necessary.

(5) Thoroughly wash toys.

(A) Clean and disinfect daily all frequently touched toys in rooms occupied by diapered children.

(B) Clean and disinfect weekly, and when soiled, toys in rooms occupied by non-diapered children.

(6) Dispose of potentially infectious waste in containers closed and inaccessible to children.

(7) Cover open wounds, cuts or sores with bandages.

(8) Wipe noses with disposable, one-use tissues.

(9) Clean up blood spills promptly with a freshly prepared solution of 1/4 cup household bleach to one gallon of water or equally effective commercial disinfecting solution.

(10) Dispose of all blood and secretion contaminated items in containers that cannot be opened by the children.

(11) Keep all items used by animals beyond the reach of infants.

(b) Staff shall clean those areas used by staff that care for infants or which infants have access as follows:

(1) Vacuum or sweep, and mop with a disinfectant the uncarpeted floors at least daily or more often if soiled.

(2) Vacuum carpeted floors and large unwashable throw rugs at least daily and clean them at least every six months or more often if soiled.

(3) Shake or vacuum small washable rugs at least daily and wash them at least weekly or more often if soiled.

HANDBOOK BEGINS HERE

To clean carpets and large rugs, licensees may rent commercial cleaning machines or hire a professional cleaning service.

HANDBOOK ENDS HERE

(4) Wash walls and portable partitions with a disinfectant at least weekly or more often if soiled.

(5) Wash and disinfect high chairs, feeding tables, food preparation areas, bathtubs, changing areas, toilets, and potty chairs at least daily.

(6) Wash and disinfect at least daily, or more often if soiled, objects mouthed by infants, such as but not limited to, toys and blankets.

(7) Use washing/disinfecting solutions as follows:

(A) Freshly prepare it each day, using 1/4 cup of bleach per gallon of water, or

(B) Use commercial disinfecting solutions according to label directions.

(c) The bedding of infants shall meet the following standards:

(1) Each infant shall have bedding replaced when wet or soiled.

(2) Staff shall wipe crib mattresses with a detergent/disinfectant daily and when soiled or wet.

(3) Staff shall place soiled bedding in a suitable container, inaccessible to children.

(d) Staff shall handle soiled disposable diapers as follows:

(1) Discard them as recommended on the packaging, or

(2) Place them in an airtight container for daily disposal outside the facility and

(3) Sanitize any soiled diaper containers daily.

(e) Staff shall handle soiled cloth diapers as follows:

(1) Place them in an airtight container.

(2) Rinse, wash, and sanitize them daily.

(3) If the facility uses a diaper service, staff shall place the diapers in the diaper service company's container for pickup, as instructed by the diaper service.

(f) After each diaper change, staff shall wash and disinfect soiled items and surfaces around the diaper changing area, including but not limited to the following:

(1) Walls and floors surrounding the immediate diaper changing area.

(2) Dispensers for talc, lotion, soap and paper towels.

(3) Countertops, sinks, drawers and cabinets.

(4) Sinks used to wash infants or to rinse soiled clothing or diapers.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

Adopt Section 86579 to read:

86579 PLANNED ACTIVITIES 86579

(a) The licensee shall provide a variety of developmental activities designed to meet the physical, cognitive, social, and emotional needs of the children including, but not limited to, the following:

(1) Parent, legal guardian, or family member involvement in the care giving, if appropriate.

(2) Predictable and consistent daily scheduling that balances the following:

(A) Group and individual activities.

(B) Active and quiet play.

(C) Structured and flexible play.

(D) Rest.

(E) Eating.

(F) Toileting.

(G) Individual attention to the child by crisis nursery staff.

(H) Holding, if in the initial assessment plan.

(3) Opportunity for ever increasing self-care.

(4) Preparation for transitions in daily activities and changes in the daily schedule.

HANDBOOK BEGINS HERE

Following is an example of a goodbye ritual that prepares a child for the transition from a visiting mother to the crisis nursery.

The parent and child settle into a quiet place and the parent reads the child a story. The parent then calls the lead caregiver and the three of them walk to the door together. On the way, they discuss the fact that the parent is leaving and talk about when the parent will return. The

lead caregiver remains with the child after the parent leaves and is available to respond to sadness, anger or other emotions expressed by the child. This ritual provides consistency for the child.

HANDBOOK ENDS HERE

(5) The opportunity to nap or rest without distraction or disturbance from other activities.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

Adopt Section 86580 to read:

86580 CRISIS DAY CARE 86580

(a) A crisis nursery may provide crisis day care services, as defined in Section 86501(c)(17), for children under the age of six years at the same site as the crisis nursery.

HANDBOOK BEGINS HERE

Section 1596.792 of the Health and Safety Code reads in part:

This chapter and Chapters 3.5 (commencing with Section1596.90) and 3.6 (commencing with Section 1597.30) do not apply to...any crisis nursery, as defined in Subdivision (a) of Section 1516.

HANDBOOK ENDS HERE

(1) A child may not receive day care services at a crisis nursery for more than 30 calendar days in a six-month period unless the Department issues an exception.

(2) A child who is receiving day care services shall be counted in the licensed capacity.

(3) A child placed by the county and receiving day care services shall be counted in the limitation on county placements as specified in Section 86528(f).

(b) A crisis nursery offering day care services shall be governed by all the provisions in this chapter, including the following:

(1) The licensee shall maintain, and implement a written procedure to sign the child in/out of the crisis day care and shall, at a minimum, include the following:

(A) The person who brings the child to, and removes the child from, the center shall sign the child in/out.

(2) The authorized person as specified in Section 86570(b)(5) who signs the child in/out shall use his/her full legal signature and shall record the time of day.

(3) The licensee may use LIC 9219A as a sign in/out form.

(4) The sign-in and sign-out sheets with the signatures required by this section shall be kept for one month and shall be available at the center for review by the Department.

(5) The licensee shall be responsible for ensuring that children with obvious symptoms of illness including, but not limited to, fever or vomiting, are not accepted.

(6) The licensee shall develop and implement a written inspection procedure that shall include the following:

(A) No child shall be accepted without contact between crisis nursery staff and the person bringing the child to the crisis nursery.

(B) The licensee shall require that the person bringing the child to the crisis day care remain until the child is accepted.

1. After the child has been determined to be without obvious signs of illness and has been accepted, the crisis nursery shall require that the person sign the child in.

(7) A crisis nursery shall be equipped to isolate and care for any child who becomes ill during the day.

(A) The isolation area shall be located to afford easy supervision of children by staff.

(B) The isolation area shall be equipped with a mat, cot, couch, crib or bed for each ill child.

(C) The isolation area shall not be located in the kitchen area or the general-use toilet area.

(8) When the child becomes ill enough to require isolation, the licensee shall make every effort to immediately notify the child's parent, legal guardian or authorized representative, and shall ask to have the child removed from the crisis nursery as soon as possible.

(9) Any unusual behavior, any injury or signs of illness requiring assessment and/or administration of first aid by staff shall be reported to the child's parent, legal guardian or authorized representative and documented and the document placed in the child's file.

(10) Crisis day care napping equipment shall meet the following requirements:

(A) Cots used for napping shall be maintained in a safe condition.

(B) Floor mats used for napping shall be:

1. Constructed of foam at least 3/4 inch thick.

2. Covered with vinyl or similar material that can be wiped.

3. Marked or colored so that the sleeping side can be distinguished from the floor side.

4. Wiped with a detergent/disinfectant weekly or when soiled or wet.

5. Maintained in a safe condition with no exposed foam.

(C) Each cot or mat shall be equipped with a sheet to cover the cot or mat and, depending on the weather, a sheet and/or blanket to cover the child.

1. Bedding shall not be shared by different children without first laundering the bedding.

2. Bedding shall be individually stored so that each child's bedding is identifiable and no child's used bedding comes into contact with other bedding.

3. Sheets shall be washed weekly or when soiled or wet.

4. Blankets shall be cleaned or changed when soiled.

(D) Napping equipment shall be arranged so that each child has access to a walkway without having to walk on or over the cots or mats of other children.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 1516, 1531, and 1596.792, Health and Safety Code.

Article 7. PHYSICAL ENVIRONMENT

Adopt Section 86586 to read:

86586 ALTERATIONS TO EXISTING BUILDINGS OR NEW FACILITIES 86586

(a) Prior to construction or alterations, the licensee shall notify the licensing agency of the proposed change.

(b) The licensing agency shall have the authority to require that the licensee have a building inspection by a local building inspector if the agency suspects that a hazard to the children's health and safety exists.

(c) Prior to construction or alterations, state or local law requires that all facilities secure a building permit.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86587 to read:

86587 BUILDING AND GROUNDS 86587

(a) The crisis nursery shall be clean, safe, sanitary and in good repair at all times for the safety and well-being of the children, staff and visitors.

(1) The licensee shall take measures to keep the facility free of flies and other insects.

(2) The licensee shall provide for the safe disposal of water and other chemicals used for cleaning purposes.

(b) All children shall be protected against hazards within the facility through provision of the following:

(1) Protective devices including but not limited to non-slip material on rugs.

(c) All outdoor and indoor passageways, stairways, inclines, ramps, open porches and other areas of potential hazard shall be kept free of obstruction.

(d) General permanent or portable storage space shall be available for the storage of crisis nursery equipment and supplies.

(1) Crisis nursery equipment and supplies shall be stored in this space and shall not be stored in space used to meet other requirements specified in this chapter.

(e) Crisis nurseries serving children shall ensure the inaccessibility of pools, including swimming pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds or similar bodies of water through a pool cover as defined in Section 115921 of the Health and Safety Code, or by surrounding the pool with a fence.

HANDBOOK BEGINS HERE

Section 115921(d) of the Health and Safety Code states in pertinent part:

(d) "Approved safety pool cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.

HANDBOOK ENDS HERE

(1) Fences shall be at least five feet high and shall be constructed so that the fence does not obscure the pool from view. The bottom and sides of the fence shall comply with Division 1, Appendix Chapter 4 of the 1994 Uniform Building Code. In addition to meeting all of the aforementioned requirements for fences, gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use.

(2) Where an above-ground pool structure is used as the fence or where the fence is mounted on top of the pool structure, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible or erecting a barricade to prevent access to decking. If a barricade is used, the barricade shall meet the requirements of Section 86587(e)(1).

(3) Fencing for inflatable or other portable plastic wading pools with sides low enough for children using the pool(s) to step out unassisted. These pools shall be emptied after each use

(f) All in-ground pools, and above-ground pools which cannot be emptied after each use shall have an operative pump and filtering system.

(g) Disinfectants, cleaning solutions, poisons, and other items that could pose a danger to children as specified on the product label shall be made inaccessible.

(1) Storage areas for disinfectants, cleaning solutions and poisons, shall be locked.

(2) Firearms and other weapons shall not be allowed on or stored on the premises of a crisis nursery.

(h) Medicines shall be stored as specified in Section 86575(b)(3) and separately from other items specified in Section 86587(g) above.

(i) The items specified in Section 86587(g) above shall not be stored in food storage areas or in storage areas used by or for children.

(j) Bedrooms shall meet, at a minimum, the following requirements:

(1) No more than three children shall sleep in a bedroom when only cribs and toddler beds are used.

(2) No more than two children shall sleep in a bedroom when a twin bed is used in combination with a crib, toddler bed or another twin bed.

(3) Bedrooms shall be large enough to allow for easy passage and comfortable use of any required assistive devices, including but not limited to wheelchairs, between beds and other items of furniture.

(4) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.

(5) No room commonly used for other purposes shall be used as a bedroom.

(A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas, and sheds or similar detached buildings.

(6) No bedroom shall be used as a public or general passageway to another room, bath or toilet.

(7) No child's bedroom shall be used as a napping area by the Crisis Day Care.

(k) Stairways, inclines, ramps, and open porches shall have hand railings and gates to prevent unsupervised climbing and shall be well lighted.

(l) Surfaces accessible to children shall be free of lead paint.

(m) The licensee shall prohibit smoking in the crisis nursery or on the grounds.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86587.1 to read:

86587.1 OUTDOOR ACTIVITY SPACE 86587.1

(a) Children shall have access to safe outdoor activity space that is free from hazards to life and health.

(1) The licensee shall ensure inaccessibility by children of any construction or equipment that causes a hazardous situation, including but not limited to incinerators, air-conditioning equipment, water heaters, or fuse boxes.

(2) Free of hazards including, but not limited to, holes, broken glass and other debris, and dry grasses that pose a fire hazard.

(3) Sandboxes shall be inspected daily and kept free of hazardous foreign materials.

(b) The areas around and under high climbing equipment, swings, slides and other similar equipment shall be cushioned with material which absorbs falls.

(1) Sand, woodchips, pea gravel or rubber mats commercially produced for this purpose, shall be permitted.

(2) The use of cushioning material other than that specified in (1) above shall be approved by the licensing agency in advance of installation.

(c) The licensee shall equip the outdoor activity space with a variety of developmentally appropriate toys and equipment.

(1) The equipment shall be age appropriate and used in accordance with the manufacturers' instructions.

(d) The licensee shall enclose the outdoor activity area with a fence to provide protection for children and to keep them in the outdoor activity area.

(1) The fence shall be at least four feet in height.

HANDBOOK BEGINS HERE

The intent of this requirement is to keep children from leaving unnoticed without creating a hazard to the children. For example, a split rail fence is inefficient at keeping children in and a barbed wire fence presents a hazard. Therefore, both types of fencing are inappropriate.

HANDBOOK ENDS HERE

(e) Outdoor activity equipment shall be securely anchored to the ground unless it is portable by design.

(1) Equipment shall be maintained in a safe condition free of sharp, loose or pointed parts.

(f) The outdoor activity space shall provide a shaded rest area for the children.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Amend Section 86587.2 to read:

86587.2 INDOOR ACTIVITY SPACE 86587.2

(a) As a condition of licensure, there shall be common rooms, including a living room, dining room, den or other recreation/activity room, which provide the necessary space and/or separation to promote and facilitate the program of planned activities specified in Section 86579; and to prevent such activities from interfering with other functions.

(1) At least one such room shall be available to children for relaxation and visitation with friends and/or relatives.

(2) All children shall be given an opportunity to nap or rest without distraction or disturbance from other activities at the crisis nursery.

(b) The licensee shall equip the indoor activity space with a variety of equipment, materials, and toys that meet the following requirements:

(1) Are appropriate to the developmental needs of the children.

(2) Are maintained in good and clean condition.

(3) Are sufficient in quantity to allow children to fully participate in planned activities and have opportunities for flexible play.

(4) Are stored safely in the facility.

(c) The floors of all rooms shall have a surface that is safe and clean.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Adopt Section 86588 to read:

86588 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES 86588

(a) A comfortable temperature for clients shall be maintained at all times.

(1) The licensee shall maintain the temperature in rooms that children occupy between a minimum of 68 degrees F (20 degrees C) and a maximum of 85 degrees F (30 degrees C).

(b) All window screens shall be in good repair and be free of insects, dirt and other debris.

(c) Fireplaces and open-faced heaters shall be made inaccessible to children to ensure protection of the children's safety.

(1) The use of a fireplace screen or similar barrier will meet this requirement.

(d) The licensee shall provide lamps or lights as necessary in all rooms and other areas to ensure the comfort and safety of all persons in the crisis nursery.

(e) Faucets used by children for personal care such and grooming shall deliver hot water.

(1) Hot water temperature controls shall be maintained to automatically regulate temperature of hot water delivered to plumbing fixtures used by clients to attain a hot water temperature of not less than 105 degrees F (40.5 degrees C) and not more than 120 degrees F (48.8 degrees C).

(2) Taps delivering water at 125 degrees F (51.6 degrees C) or above shall be prominently identified by warning signs.

(3) All toilets, hand washing and bathing facilities shall be maintained in safe and sanitary operating condition. Additional equipment, aids, and/or conveniences shall be provided in crisis nurseries accommodating physically handicapped children who need such items.

(f) Solid waste shall be stored, located and disposed of in a manner that will not transmit communicable diseases or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.

(1) All containers, including movable bins, used for storage of solid wastes shall have tight-fitting covers kept on the containers; shall be in good repair, shall be leak proof and rodent-proof.

(2) Solid waste containers, including movable bins, receiving decaying waste shall be emptied at least once per week or more often if necessary to comply with (f) above.

(3) Each movable bin shall provide for suitable access and a drainage device to allow complete cleaning at the storage area.

(g) The licensee shall provide linens of various kinds necessary to meet the program of services being offered by the crisis nursery.

(h) As a condition of licensure, toilet, wash basin, bath and shower fixtures shall, at a minimum, meet the following requirements.

(1) There shall be at least one toilet and wash basin maintained for each six persons residing in the crisis nursery, including children and staff.

(2) There shall be at least one shower or bathtub maintained for each ten persons residing in the crisis nursery, including children and staff.

(3) Toilets and bathrooms shall be located so that children do not have to go out-of-doors to have access to such accommodations.

(4) Individual privacy shall be provided in all toilet, bath, and shower areas.

(i) The licensee shall provide and make readily available to each child the following furniture, equipment and supplies necessary for personal care and maintenance of personal hygiene:

(1) An individual bed maintained in good repair; equipped with good springs and a clean mattress; and supplied with pillow(s) which are clean and in good repair.

(A) Fillings and covers for mattresses and pillows shall be flame retardant.

(B) The use trundle or bunk beds shall be prohibited.

(2) Clean linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets; pillow cases; mattress pads; and bath towels, hand towels and wash cloths.

(A) The quantity of linen provided shall permit changing the linen at least once each week, or more often when indicated to ensure that clean linen is in use by children at all times.

(B) Use of common towels and wash cloths shall be prohibited.

(C) Rubber or plastic sheeting or bed coverings should be provided when necessary.

(3) Items used to maintain basic personal hygiene practices, including but not limited to shampoo, non-medicated soap, toilet paper, toothbrush, toothpaste, and comb.

(4) Portable or permanent closets or drawer space to accommodate the child's clothing and personal belongings.

(j) The licensee shall provide and maintain the supplies, equipment and reading material necessary to implement the planned activities.

(k) The licensee shall provide safe fixtures, furniture, equipment, supplies, and toys.

(1) They shall be free from toxic materials or substances.

(2) They shall be in good condition, free of sharp, loose, or pointed parts.

(3) Any platform, step or stool used by the crisis nursery that enable children to reach shall be broad based or anchored.

(4) Baby walkers are prohibited.

HANDBOOK BEGINS HERE

Section 1500.18(a)(6) of Part 1500 of Title 16 of the Code of Federal Regulations reads in pertinent part as follows:

"Any article known as a 'baby-bouncer,' 'walker-jumper,' or 'baby-walker' and any other similar article which is intended to support very young children while sitting, walking, bouncing, jumping, and/or reclining and which because of its design has any exposed parts capable of causing amputation, crushing, lacerations, fractures, hematomas, bruises, or other injuries to fingers, toes, or other parts of the anatomy of young children..."

HANDBOOK ENDS HERE

(l) The licensee shall provide furniture which is age appropriate in type, height, and size as follows:

(1) Tables and chairs.

(2) High chairs, low wheeled feeding tables, or other furniture used for feeding an infant which meets the following requirements:

(A) Has broad base legs.

(B) Has seats and backrests made of washable, moisture resistant material.

(C) Has a safety strap and/or tray to secure a seated infant.

(3) Changing tables or changing pads.

(4) For each infant who is unable to climb from a crib, a standard crib that meets the following requirements:

(A) Spaces between the crib slats are no more than 2 3/8 inches.

(B) Crib mattresses and any bumper pads are covered with moisture resistant material.

(C) Bumper pads, if any, are around the entire inner portion of the crib and tied or snapped into place in at least six places.

(D) The crib, mattress, and any bumper pads, are in a safe condition with no exposed foam, batting, or coils.

(E) Is equipped with a sheet to cover the mattress and a blanket and/or sheet to cover the child, depending on the temperature.

(F) When an infant is in the crib, the mattress is at its lowest position and the side rail is in its highest position.

(G) Is arranged so that staff can see the child.

(H) Allows a child to stand upright.

(I) Are not stacked or tiered with other cribs.

(5) An age-appropriate bed shall be provided for each child who can climb from a crib.

(m) The licensee shall provide equipment as follows:

(1) Equipment purchased already assembled shall not be modified.

(2) Toy containers shall meet the following requirements:

(A) Boxes or chests shall not have lids or the hardware used to hinge lids.

(B) All edges and corners shall be rounded and padded.

(C) The container shall be well ventilated.

(D) The container shall not be lockable.

(E) The container shall be in good repair and safe condition.

(F) Metal toy boxes shall not have rough or sharp edges and wooden toy boxes shall not have splinters and other rough areas.

(n) The licensee shall provide the following fixtures and/or supplies:

(1) Readily available drinking water from a non-contaminating fixture.

(A) Children shall be free to drink water as they wish.

(B) The facility may use bottled water or portable containers if (1) the water and containers are free of contamination, and (2) bottled water containers are secured to prevent tipping and breaking.

(2) Pacifiers that have a shield or guard large enough so that infants cannot choke on them.

(o) The licensee shall provide toys that meet the following requirements:

(1) Are appropriate to the developmental needs of the children.

(2) Are sufficient in quantity to avoid excessive competition and long waits by the children.

(3) Are free from sharp points, edges, or splinters.

(4) Are made of parts too large to be swallowed.

(A) Any rattles are large enough so that they cannot become lodged in an infant's throat and constructed so that they will not separate into small pieces.

(5) Are sufficient in variety to enhance the following:

(A) Intellectual and creative development.

(B) Social development.

(C) Auditory development.

(D) Visual development.

(E) Gross and fine motor development.

(6) Are clean and safe for the children.

HANDBOOK BEGINS HERE

The Department recommends that the facility comply with the following U.S. Consumer Product Safety Commission advice for the selection and safe use of children's toys.

(A) Avoid toys with small parts.

(B) Look for labels that give age recommendations.

(C) Choose toys suited to the skills, abilities and interests of the children.

HANDBOOK ENDS HERE

(p) The licensee shall arrange furniture and equipment as follows:

(1) So that no exit is blocked.

(A) Placement of cribs, mats or cots, and beds shall not hinder entrance to or exit from the sleeping area.

(2) So that toilets, potty chairs, and hand washing sinks for children are near indoor and outdoor activity spaces.

(3) So there is a walkway and workspace between the sleeping furniture (cribs, mats or cots, and beds).

(A) Staff must be able to reach each child without having to step or reach over any other child.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

Amend Section 11-400 to read

11-400 AFDC-FC FOSTER CARE RATES – DEFINITIONS (Continued) 11-400

c. (Continued)

(8) Crisis Nursery means a facility listed in Welfare and Institutions Code Section 11402(h) which is defined as "A licensed crisis nursery as described in Section 1516 of the Health and Safety Code and as defined in Section 11400(t) of the Welfare and Institutions Code".

HANDBOOK BEGINS HERE

(A) Welfare and Institutions Code Section 11400(t) defines Crisis Nursery as "a facility licensed to provide short-term, 24-hour non-medical residential care and supervision for children under six years of age, who are either voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation for no more than 30 days or, except as provided in subdivision (e) of Section 1516 of the Health and Safety Code, who are temporarily placed by a county child welfare service agency for no more than 14 days".

HANDBOOK ENDS HERE

d. (Continued)

Authority cited: Sections 10553, 10554, 11400(t), 11460(b), 11462(a)(3)(B), 11462(i) and (j), 11462.06, 11463(i)(2), 11466.1, 11466.21, 11466.22, 11466.5, and 14680, Welfare and Institutions Code; Sections 1516, and 1559.110, Health and Safety Code; and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 1200, 1250, 1502(a)(1) and (a)(8), 1502.4, 1502.4(a)(1), (a)(2)(A), and (b), 1516, (Senate Bill 855, Chapter 664, Statutes of 2004), 1530.8, and 1559.110, Health and Safety Code; Section 3353, California Labor Code; Sections 4096, 4096(e)(2), 4096.5, 5600.3(a)(2), 5777, 5778, 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11234, 11235, 11236, 11400(h), 11402(h), 11402.5(a), 11460, 11461.1, 11462, 11462(a)(1), 11462(a)(3), 11462.01(a)(2)(A)(i) and

(ii), 11462.01(a)(2)(B)(i), 11462.03, 11463(i)(1), 11466.1, 11466.2, 11466.21, 11466.22, 11466.3, 11466.31, 11466.33, 11466.34, 11467.1 (Assembly Bill 1197, Chapter 1088, Statutes of 1993), 11468, 11468.6, 14680, 16522(a), (b), and (c), and 18350, Welfare and Institutions Code; Section 4980.08, Business and Professions Code; Public Laws 98-502 and 104-156; Assembly Bill 1575, Chapter 728, Statutes of 1997; The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989, and Title 8, California Code of Regulations, Section 11050; and federal Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations; *Government Auditing Standards* of the Comptroller General of the United States (Yellow Book) 1994 Revision, including Amendment No. 1 (May 1999) and Amendment No. 2 (July 1999) Section 4.25 and 4.26; and Department of Health and Human Services, Administration for Children and Families letters dated April 19, 2001, February 22, 2002 and May 7, 2002; American Institute of Certified Public Accountants Statement on Auditing Standards Number 82, Description and Characteristics of Fraud.

Amend Section 11-402 to read:

11-402 GROUP HOME RATE SETTING 11-402

.1 Group Home Rate Determination Process – General Overview

.11 The Department shall determine the RCL for each nonprofit group home program and crisis nursery utilized for AFDC-FC placements to set a rate using the standardized schedule of rates.

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 11462.7(c) states:

(c) Until the department adopts emergency regulations for establishing a rate for crisis nurseries, the rates shall be established using the foster care rate setting system for group homes and subject to all of the requirements of Article 6 (commencing with Section 11450) of Chapter 2 of Part 3 of Division 9.

HANDBOOK ENDS HERE

.111 (Continued)

.2 Program Classification (Continued)

.23 Point Computation (Continued)

.233 (Continued)

(f) For auditing purposes, in accordance with Health and Safety Code Section 1516(e), county placements in a crisis nursery, as described in subdivision (d) of Health and Safety Code Section 1516, shall be limited to no more than one-third of a crisis nursery's licensed capacity.

.5 Program Audits (Continued)

.531 Conducting Program Audits (Continued)

(b) The Department shall: (Continued)

(7) For audits conducted for group homes operating as crisis nurseries, recompute the actual eligible hours, weightings and program points for a crisis nursery using 90 percent of one-third of the licensed capacity.

Authority cited: Sections 10553, 10553(e), 10554, 11460(b), 11462, 11462(a)(3), 11462(j), 11462.06, 11466.1, 11466.2, and 11466.21, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 1502(a)(1), 1502.4(b), and 1530.8, Health and Safety Code; Section 3353, California Labor Code; Sections 366, 4096.5, 4096.5(a), (c), (c)(1), and (2), and (d), 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11235, 11236, 11400(h), 11402.5(a), 11460, 11460(b)(1), 11462, 11462(a)(1), (a)(2) and (a)(3), 11462(d), 11462(e)(3), 11462(g)(14), 11462(i)(1)(B), 11462.01(a), (a)(1), (2), and (3), 11462.01(b), 11462.01(d), (d)(1) and (2), 11462.01(e), 11462.01(f)(1), (2), and (3), 11462.01(g)(1), (2), (3), and (4), 11462.01(h), 11462.01(i)(1), (2), and (3), 11462.01(j), 11462.03, 11462.06(d)(1) and (d)(2) (Senate Bill 1104, Chapter 229, Statutes of 2004), 11466.1, 11466.2, 11466.2(b)(2), 11466.3, 11466.4, 11466.22, 11466.25, 11466.31, 11466.32, 11466.33, 11466.34, 11466.35, 11466.36, 11467, 11467.1 (Assembly Bill 1197, Chapter 1088, Statutes of 1993), 11468 through 11468.6, 16522(a) and (b), 16501.1(d), and 18350, Welfare and Institutions Code; Sections 1502(a)(1) and (a)(8), Health and Safety Code; Section 4980.08, Business and Professions Code; Assembly Bill 1575, Chapter 728, Statutes of 1997; Public Laws 98-502 and 104-156; The Classification of Group Home Programs Under the Standardized Schedule of Rate System Report, August 30, 1989; Title 8, California Code of Regulations, Section 11050, and Title 1, Division 2, Section 5233, California Corporations Code; and federal Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations; *Government Auditing Standards* of the Comptroller General of the United States (Yellow Book); Department of Health and Human Services, Administration for Children and Families letters dated April 19, 2001, February 22, 2002 and May 7, 2002; and the Internal Revenue Code Section 4958.

Amend MPP Section 45-101 to read:

45-101 DEFINITIONS (Continued) 45-101

(c) (Continued)

(7) Crisis Nursery means a facility listed in Welfare and Institutions Code Section 11402(h) which is defined as "A licensed crisis nursery as described in Section 1516 of the Health and Safety Code and as defined in subdivision (t) of Section 11400" of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

11402. Placement requirements for eligibility

"In order to be eligible for AFDC-FC, a child shall be placed in one of the following:

(h) A licensed crisis nursery, as described in Section 1516 of the Health and Safety Code, and as defined in subdivision (t) of Section 11400."

Welfare and Institutions Code Section 11400(t) defines Crisis Nursery as "a facility licensed to provide short-term, 24-hour non-medical residential care and supervision for children under six years of age who are either voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation for no more than 30 days or, except as provided in subdivision (e) of Section 1516 of the Health and Safety Code, who are temporarily placed by a county child welfare service agency for no more than 14 days."

Health and Safety Code Section 1516(c) defines the term "'voluntary placement'" for the purpose of crisis nurseries as follows: "'Voluntary placement,'" for purposes of this section, means a child, who is not receiving Aid to Families with Dependent Children-Foster Care, placed by a parent or legal guardian who retains physical custody of, and remains responsible for, the care of his or her children who are placed for temporary emergency care, as described in subdivision (a)."

HANDBOOK ENDS HERE

(d) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366.26, 11400(m), 11400(o), 11401(b) and (e), 11401(f), 11402, 11402.1, and 16507.4, Welfare and Institutions Code; Sections 7660 et. seq., 7800 et. seq., and 7911.1, Family Code; Sections 1505 and 1516, (Senate Bill 855, Chapter 664, Statutes of 2004); Public Law 95-608; 25 USC 1915; Public Law 96-272; 45 CFR 1356.30; 42 U.S.C. 606; 42 U.S.C. 671; 42 U.S.C. 672(a)(2) and (4); Sections 80072, 84072, 84072.1, and 84072.2, Title 22, California Code of Regulations; Capitola Land et al. v. Anderson, 55 Cal. App. 4th 69, 63 Cal.Rptr.2d 717, (1997); and Anderson v. Superior Court, 68 Cal.App. 4th 1240, 80 Cal.Rptr.2d 891, (1998).

Amend Section 45-202 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued) 45-202

.5 (Continued)

.51 (Continued)

.516 A crisis nursery as defined by Section 45-101(c)(7).

.5167 (Continued)

.5178 (Continued)

.5189 (Continued)

.52 (Continued)

.521 AFDC-FC funding for a child placed in public child care institutions shall be limited as specified in (a), ~~or~~ (b) or (c) below. AFDC-FC funding may be continued beyond these time limits only when the child is moved to an eligible facility specified in Section 45-202.51 and all other requirements continue to be met.

(a) (Continued)

(b) AFDC-FC funding for emergency shelter care in public child care institutions identified as crisis nurseries that will provide care to children under the age of six years for up to 14 days in any consecutive twelve-month period unless the Department issues an exception; or

(~~b~~c) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366.26, 11400(m), 11400(o), 11401(b) and (e), 11401(f), 11402, 11402.1, and 16507.4, Welfare and Institutions Code; Sections 7660 et. seq., 7800 et. seq., and 7911.1, Family Code; Section 1505, Health and Safety Code; Public Law 95-608; 25 USC 1915; Public Law 96-272; 45 CFR 1356.30; 42 U.S.C. 606;

42 U.S.C. 671; 42 U.S.C. 672(a)(2) and (4); Sections 80072, 84072, 84072.1, and 84072.2, Title 22, California Code of Regulations; Capitola Land et al. v. Anderson, 55 Cal. App. 4th 69, 63 Cal.Rptr.2d 717, (1997); and Anderson v. Superior Court, 68 Cal.App. 4th 1240, 80 Cal.Rptr.2d 891, (1998).

Amend Section 45-203 to read:

.4 Eligible Facilities

.41 (Continued)

.418 A crisis nursery as defined by Section 45-101(c)(7).

.42 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366.26, 11400(g) and (h), 11401(c), 11401(e), 11402, and 11402(c) and (d),Welfare and Institutions Code; Sections 7660 et. seq., 7800 et seq., and 7911.1, Family Code; and Public Law 95-608, 25 U.S.C. 1915.

Amend Section 45-301 to read:

45-301 ELIGIBLE PAYEES 45-301

.1 Federal AFDC-FC Program

.11 (Continued)

.116 A crisis nursery as defined by Section 45-101(c)(7).

.2 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11400(h) and 11402(c), Welfare and Institutions Code.

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

SAMPLE

AUG - 2 2005

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION

BOARD OF DIRECTORS STATEMENT

IMPORTANT - Before completing, see Page 2 for instructions.

Licensees are required to provide a copy of the Community Care Licensing's publication, Facts You Need To Know, Crisis Nursery Board of Directors, to each member of their board of directors. The members of the board of directors are required to read and sign the statement below. This form must be completed by all board members. The signing of this form by all members, and prospective members, or the board of directors is a condition of licensure.

I have read and understand my legal duties and obligations as a member of the board of directors and I also understand that the crisis nursery operation is governed by laws and regulations that are enforced by the Department of Social Services, as set forth in the publication, Facts You Need To Know, Crisis Nursery Board of Directors.

I declare that I have received a copy and I have read and understand the information contained in the publication, Facts You Need To Know, Crisis Nursery Board of Directors

1. Facility Name _____ 2. Facility Number _____

3. Your Name (Print Clearly)_____ 4. Daytime Telephone No. _____

5. Your Mailing Address _____ 6. City _____

7. State _____ 8. Zip _____

9. Signature _____ Date _____

Note: The publication, Facts You Need To Know, Crisis Nursery Board of Directors booklet is only as current as the initial publishing date or any later revision date. Therefore, the booklet may not include information on the most current law and regulation changes that you may need to know. Boards of directors should ensure that they are informed of law and regulation changes.

SAMPLE

BOARD OF DIRECTORS STATEMENT INSTRUCTIONS

General Information

As stated on the front side, each member of the board of directors must sign this form. Also, prospective board members must read the Board of Directors booklet and sign this form before joining the board. This form may be copied and given to each of your members for their signature. The signed forms must be kept at the crisis nursery administrative office. The signed forms must be available to licensing staff for inspection upon request.

Instructions

Please type or clearly print the information being requested by each item number.

Items 1. and 2. Enter the facility name and number. When a corporate licensee has more than one facility, it is important that the same facility number is used for all board members. This ensures that each and all board members are associated and identified with the correct corporate licensee. It is acceptable to enter this on behalf of the board member.

Items 3. - 10. The board member enters his or her name, daytime telephone number, complete mailing address, signature and date. **All signatures must be original.**

CRIMINAL RECORD STATEMENT

State law requires that persons associated with licensed facilities be fingerprinted and disclose any conviction. A conviction is any plea of guilty or nolo contendere (no contest) or a verdict of guilty. The fingerprints will be used to obtain a copy of any criminal history you may have.

Have you ever been convicted of a crime in California ? ..... ☐ **YES** ☐ **NO**

Have you ever been convicted of a crime from another state, federal court, military or jurisdiction outside of U.S.? ..... ☐ **YES** ☐ **NO**

Criminal convictions from another State or Federal court are considered the same as criminal convictions in California.

If you answer YES, give details on the back of this page indicating the nature and circumstances of each crime and the date and the location in which each crime occurred.

You must disclose convictions, including reckless and drunk driving convictions even if:

1. It happened a long time ago;
2. It was only a misdemeanor;
3. You didn't have to go to court (your attorney went for you);
4. You had no jail time or the sentence was only a fine or probation;
5. You received a certificate of rehabilitation;
6. The conviction was later dismissed, set aside or the sentence was suspended.

NOTE: IF THE CRIMINAL BACKGROUND CHECK REVEALS ANY CONVICTION(S) THAT YOU DID NOT DISCLOSE ON THIS FORM, YOUR FAILURE TO DISCLOSE THE CONVICTION(S) WILL RESULT IN AN EXEMPTION DENIAL, LICENSE APPLICATION DENIAL, LICENSE REVOCATION, OR EXCLUSION FROM A LICENSED FACILITY.

I declare under penalty of perjury under the laws of the State of California that I have read and understand the information contained in this affidavit and that my responses and any accompanying attachments are true and correct.

FACILITY NAME		FACILITY NUMBER	
YOUR NAME *(PRINT CLEARLY)*	YOUR ADDRESS	CITY	ZIP
SOCIAL SECURITY NUMBER *(SEE PRIVACY STATEMENT ON REVERSE SIDE)*	DATE OF BIRTH	DMV LICENSE NUMBER	
SIGNATURE		DATE	

I. **Instructions to Respondents:**
If you have been convicted of a crime in California or from another state or in federal court, provide the following information:

What was the offense? _____

_____

_____

_____

In which state and city did you commit the offense? _____

_____

_____

When did this occur? _____

_____

_____

Tell us what happened. (Use additional sheets of paper if needed) _____

_____

_____

_____

_____

_____

I certify under penalty of perjury that the above information is true and correct to the best of my knowledge.

Signature _____ ***Date*** _____

II. **Instructions to Licensees:**
If the person discloses a criminal conviction, review the person's statement and discuss it with your Licensing Program Analyst (LPA). Maintain this form in your facility personnel file and send a copy to your LPA.

PRIVACY STATEMENT

Pursuant to the Federal Privacy Act (P.L. 93-579) and the Information Practices Act of 1977 (Civil Code section 1798 et seq.), notice is given for the request of the Social Security Number (SSN) on this form. The California Department of Justice uses a person's SSN as an identifying number. The requested SSN is voluntary. Failure to provide the SSN may delay the processing of this form and the criminal record check.

In order to be licensed, work at, or be present at, a licensed facility, the law requires that you complete a criminal background check. (Health and Safety Code sections 1522, 1568.09, 1569.17 and 1596.871) The Department will create a file concerning your criminal background check that will contain certain documents, including information that you provide. You have the right to access certain records containing your personal information maintained by the Department (Civil Code section 1798 et seq.). Under the California Public Records Act, the Department may have to provide copies of some of the records in the file to members of the public who ask for them, including newspaper and television reporters.

NOTE: IMPORTANT INFORMATION
The Department is required to tell people who ask, including the press, if some one in a licensed facility has a criminal record exemption. The Department must also tell people who ask, the name of a licensed facility that has a licensee, employee, resident, or other person with a criminal record exemption.

If you have any questions about this form, please contact your local licensing regional office.

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION

CRIMINAL BACKGROUND CLEARANCE TRANSFER REQUEST

ctive criminal record clearances may be transferred from one state licensed facility to another by a license applicant or licensee. Clearances cannot be transferred from a state licensed facility to a county licensed facility, or from county to state. **The transfer request must be submitted to the Department before the individual who is the subject of the transfer has client contact or the facility will be in violation of the law and subject to a $100 civil penalty.**

The license applicant or licensee who is seeking the transfer must verify the individual's identity and include a copy of the person's driver's license or a valid photo identification issued by the California Department of Motor Vehicles or by another state or the United States government if the person is not a California resident. Additionally, a Child Abuse Central Index (CACI) check must be submitted if the transfer is to a facility serving children and the individual has not previously submitted a CACI check or the date of the previous CACI inquiry was made prior to January 1, 1999. The CACI must be mailed directly to the Department of Justice with the applicable fee. *Note: This transfer request is for clearances only. Contact your licensing office for information about exemption transfers.*

PLEASE TYPE OR PRINT LEGIBLY

DATE:

PLEASE TRANSFER THE CRIMINAL RECORD CLEARANCE FOR THE FOLLOWING INDIVIDUAL:

LAST NAME | FIRST NAME | MIDDLE INITIAL

CA DRIVER'S LICENSE #/OR ID #: | DOB:

LICENSING INFORMATION SYSTEM ID#: | SSN: (OPTIONAL)

FROM THE FOLLOWING FACILITY:

NAME OF FACILITY: | FACILITY NUMBER:

STREET ADDRESS:

CITY | STATE | ZIP CODE:

TO THE FOLLOWING FACILITY: ☐ **PLEASE ALSO KEEP THIS INDIVIDUAL ASSOCIATED WITH ABOVE FACILITY.**

NAME OF FACILITY:

FACILITY NUMBER: | DATE OF EMPLOYMENT:

STREET ADDRESS:

CITY | STATE | ZIP CODE:

Transferee Association Type

- ☐ Facility Administrator
- ☐ Corporation Board Member
- ☐ Employee
- ☐ Certified Home
- ☐ Licensee/Applicant
- ☐ Non-client Adult Resident
- ☐ Partnership Member
- ☐ Spouse of Licensee

I certify I have verified the above individual's identity and have enclosed a copy of the individual's photo I.D.

Title *(licensee, administrator, director)*

Signature

FOR DISTRICT OFFICE USE ONLY

DATE OF TRANSFER ENTRY: | INITIAL OF PERSON ENTERING TRANSFER:

FILE IN NEWLY ASSOCIATED FACILITY FILE

LIC 9182 (4/02)

Date: _____

CONFIRMATION OF REMOVAL FOR: _____

This is to confirm that the Department of Social Services, Caregiver Background Check Bureau, informed you that the person identified above must be removed from your facility/home. The individual must be removed because of the nature of his/her criminal history.

If you wish to have the individual return to your facility/home, the individual must have a criminal record exemption. To request an exemption on the individual's behalf, you must submit the information outlined in the Immediate Action Required letter sent to you.

To confirm that the individual has been removed from your facility/home, you must sign below and return the entire notice, **within five (5) days** of the date of this notice to the address below. Retain a copy of the signed notice for your records.

Regional Office _____

Address _____

City/State/Zip Code _____

Failure to immediately remove the individual and return this notice within five (5) days will result in an assessment of civil penalties and/or a disciplinary action including suspension of your license. If you have any questions regarding this letter, you may contact your local regional office at (___) _____.

I declare under penalty of perjury under the laws of the State of California that I have read and understand the information contained in this affidavit and that my responses are true and correct. I confirm that the individual named above has been removed from the facility/home.

DATE INDIVIDUAL WAS REMOVED: _____

NAME OF PERSON COMPLETING THIS FORM: _____

TITLE: _____

SIGNATURE: _____

c: _____

Date:_____

CONFIRMATION OF REMOVAL FOR: _____

This is to confirm that the Department of Social Services, Caregiver Background Check Bureau, informed you that the person identified above must be removed from your facility/home. The individual must be removed because his/her criminal record exemption has been denied.

To confirm that the individual has been removed from your facility/home, you must sign below and return the entire notice, **within five (5) days** of the date of this notice to the address below. Retain a copy of the signed notice for your records.

Regional Office_____

Address _____

City/State/Zip Code _____

Failure to immediately remove the individual and return this notice within five (5) days will may result in an assessment of civil penalties and/or a disciplinary action including suspension of your license. If you have any questions regarding this letter, you may contact your local regional office at (___)_____.

I declare under penalty of perjury under the laws of the State of California that I have read and understand the information contained in this affidavit and that my responses are true and correct. I confirm that the individual named above has been removed from the facility/home.

DATE INDIVIDUAL WAS REMOVED:_____

NAME OF PERSON COMPLETING THIS FORM:_____

TITLE:_____

SIGNATURE:_____

C: _____

Date: _____

CONFIRMATION OF REMOVAL FOR: _____

This is to confirm that the Department of Social Services, Caregiver Background Check Bureau, informed you that the person identified above must be removed from your facility/home. The individual must be removed because his/her criminal record exemption has been rescinded.

To confirm that the individual has been removed from your facility/home, you must sign below and return the entire notice, **within five (5) days** of the date of this notice to the address below. Retain a copy of the signed notice for your records.

Regional Office: _____

Address _____

City/State/Zip Code _____

Failure to immediately remove the individual and return this notice within five (5) days will result in an assessment of civil penalties and/or a disciplinary action including suspension of your license. If you have any questions regarding this letter, you may contact your local regional office at (___) _____.

I declare under penalty of perjury under the laws of the State of California that I have read and understand the information contained in this affidavit and that my responses are true and correct. I confirm that the individual named above has been removed from the facility/home.

DATE INDIVIDUAL WAS REMOVED: _____

NAME OF PERSON COMPLETING THIS FORM: _____

TITLE: _____

SIGNATURE: _____

c: _____

Date: _____

CONFIRMATION OF REMOVAL FOR: _____

This is to confirm that the Department of Social Services, Caregiver Background Check Bureau, informed you that the person identified above must be removed from your facility/home. The individual must be removed because he/she has been convicted of a crime for which an exemption cannot be granted.

To confirm that the individual has been removed from your facility/home, you must sign below and return the entire notice, **within five (5) days** of the date of this notice to the address below. Retain a copy of the signed notice for your records.

Regional Office _____

Address _____

City/State/Zip Code _____

Failure to immediately remove the individual and return this notice within five (5) days will result in an assessment of civil penalties and/or a disciplinary action including suspension of your license. If you have any questions regarding this letter, you may contact your local regional office at (___) _____.

I declare under penalty of perjury under the laws of the State of California that I have read and understand the information contained in this affidavit and that my responses are true and correct. I confirm that the individual named above has been removed from the facility/home.

DATE INDIVIDUAL WAS REMOVED: _____

NAME OF PERSON COMPLETING THIS FORM: _____

TITLE: _____

SIGNATURE: _____

C: _____

CRISIS DAY CARE SIGN-IN / SIGN-OUT SHEET

INSTRUCTIONS

Original reports must be kept on file and available for review upon request by an authorized representative of the licensing agency.

SAMPLE

1. Name of Child ..... Enter the child's first and last name.
2. Date ..... Enter the date the child was dropped off at Crisis Day Care.
3. Time in ..... Enter the time the child was left at the Crisis Day Care.
4. Parent/Authorized Representative Signature ..... Signature of the parent or individual authorized to sign the child into the Crisis Day Care.
5. Time out ..... Enter the time the child was picked up from Crisis Day Care.
6. Parent/Authorized Representative Signature ..... Signature of the parent or individual authorized to sign the child out of the Crisis Day Care.

JUL 19 2005

CRISIS DAY CARE SIGN-IN / SIGN-OUT SHEET

Name of Child	Date	*Time in*	Parent or Authorized Representative Signature	*Time out*	Parent or Authorized Representative Signature
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.			JUL 19 2005		
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.			SAMPLE		
18.					
19.					
20.					

CRISIS NURSERY MONTHLY REPORT

INSTRUCTIONS

Sec 86561 (o) A crisis nursery shall submit to the Department a monthly report that indicates the total number of children placed in the crisis nursery and shall include whether each child is voluntarily placed by the parents/legal guardians or placed directly by the county welfare services agency and the length of stay for each child in the crisis nursery.

Monthly Report for the preceding month must be submitted to your local licensing regional office by the 5th of each month. JUL 18 2005 Original reports must be kept on file and available for review upon request by an authorized representative of the licensing agency.

SAMPLE

1. Month — Enter the month and year of this report.
2. Facility Name — Enter the name of the facility as it appears on the license.
3. Facility Number — Enter the facility number as it appears on the license.
4. Licensed Capacity — Enter the licensed capacity on the appropriate line.
5. Name of Child — Enter the child's first and last name.
6. DOB — Enter the child's date of birth
7. 24 hr. **CWS/Vol** — Indicate with a check mark (✓) whether the child is in placement for **24 hour care** and indicate with a check mark (✓) whether the child has been placed by the **county welfare services (CWS)** agency or has been **voluntarily (Vol.)** placed by a parent/guardian.
8. Crisis Day* **CWS/Vol** — Indicate with a check mark (✓) whether the child is in Crisis Day Care and indicate with a check mark (✓) whether the child has been enrolled by the **county welfare services (CWS)** agency or has been **voluntarily (Vol.)** enrolled. Parents/authorized representatives who enroll their child(ren) in the Crisis Day Care program, must sign their child in and out using the Crisis Day Care sign-in / sign-out sheet.
9. Date of Admission — Enter the month and day the child was first admitted into the program.
10. Date of Discharge — Enter the month and day the child was released from the program.
11. # of Days in Care — Enter the total number of days the child was in care at the facility
12. Exception Through — Indicate if an exception was granted by the licensing agency to allow a child to exceed the 14 day limitation and note the ending date of the exception.
13. Name and Title of Authorized representative. Enter name and Title of individual attesting to the accuracy of the information.
14. Date — Enter the date the Crisis Nursery Monthly Report was signed and verified.

STATE OF C. ...NIA – HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL ...ICES
COMMUNITY CARE LICENSING

CRISIS NURSERY MONTHLY REPORT

Month _____

Facility Name: _____ Facility Number: _____ Licensed Capacity: ___

Name of Child	DOB	24 hr.		Crisis Day *		Date of Admission	Date of Discharge	# of Days in Care	Exception Through
		CWS	Vol.	CWS	Vol.				
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
Total:		___	___	___	___				

SAMPLE

JUL 18 2005

JUL 18 2005

Name and Title of Authorized Representative: _____ Date: _____

**** Complete Crisis Day Care Sign-in Sign-out sheet – LIC 9219A***

Page __ of ____

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING

CHILD ABUSE CENTRAL INDEX CHECK FOR COUNTY LICENSED FACILITIES

OR COUNTY LICENSING OFFICE USE ONLY

COUNTY LICENSING OFFICE ADDRESS STAMP

Complete ALL items checked (✔)

Include $15.00 for each Child Abuse Central Index Check. (There is no exemption from this fee) Make check or money order payable to the Department of Justice.

NOTE: APPLICANT/LICENSEE MUST NOT SEND THIS FORM DIRECTLY TO DEPARTMENT OF JUSTICE

(This form is to be processed through your county licensing office)

We are required by law to check the names of all persons who apply for a license or seek employment in a child day care or residential facility caring for children against the Child Abuse Central Index. Persons required to submit fingerprints for a child care facility (day or residential) must also fill out this form. Please complete the information below. The Licensee is responsible for submitting fingerprints and this form along with the Child Abuse Central Index Check processing fee to the county licensing office.

TYPE OR PRINT INFORMATION ✔ DATE SENT_____

✔ NAME: LAST FIRST MIDDLE

List all other names you have ever used such as maiden name or aliases:

✔ NAME: | NAME:

✔ NAME: | NAME

✔ CURRENT ADDRESS STREET CITY STATE ZIP CODE

✔ ☐ MALE ☐ FEMALE | HEIGHT ✔ | WEIGHT ✔ | HAIR COLOR ✔ | EYE COLOR ✔ | DRIVER'S LICENSE NUMBER ✔

DATE OF BIRTH ✔ MO. DAY YEAR

SOCIAL SECURITY NUMBER ✔

✔ FACILITY NUMBER: _____

✔ FACILITY NAME: _____

✔ FACILITY ADDRESS: _____
STREET CITY STATE ZIP CODE

FOR LICENSING OFFICE USE ONLY
DO NOT FILL IN BELOW

Date Sent _____ Date Re-sent _____

☐ This is a recheck. See attached Criminal Record Report

FOR DEPARTMENT OF JUSTICE USE ONLY

The result of a name search in the Child Abuse Central Index is as follows:

☐ The subject of the attached report **MAY** be the same as the subject of your inquiry.

☐ No record on the above listed person.

☐ Too many possible matches to identify. See attached listing.

REVISION DE LA LISTA CENTRAL DE PERSONAS CON ANTECEDENTES DE ABUSO DE NIÑOS PARA ESTABLECIMIENTOS CON LICENCIA DEL ESTADO

DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING
CAREGIVER BACKGROUND CHECK BUREAU
744 P ST., MS 19-62
SACRAMENTO, CA 95814

Complete TODOS los espacios marcados con (✔)

Incluya $15.00 para cada revisión de sta Central de Personas con Antecedentes de Abuso de Niños. (No hay exención para esta cuota.) Haga su cheque o giro pagadero a *"Department of Justice".*

NOTA: EL SOLICITANTE/PERSONA CON LICENCIA TIENE QUE ENVIAR ESTE FORMULARIO DIRECTAMENTE AL DEPARTMENTO DE JUSTICIA: *DEPARTMENT OF JUSTICE, P.O. BOX 903417, SACRAMENTO, CA 94203-4170.*

La ley requiere que hagamos una revisión de la Lista Central de Personas con Antecedentes de Abuso de Niños para todas las personas que soliciten una licencia o que busquen empleo en un establecimiento - residencial o no - para el cuidado de niños. Las personas que tienen que presentar una tarjeta de huellas digitales para un establecimiento - residencial o no - para el cuidado de niños también tienen que llenar este formulario. Por favor, complete la información a continuación. La persona con licencia tiene la responsabilidad de presentar al Departamento de Justicia las tarjetas de huellas digitales y este formulario junto con las cuotas apropiadas.

ESCRIBA A MAQUINA O CON LETRA DE MOLDE

✔ FECHA EN QUE SE ENVIA _____

NOMBRE: APELLIDO | NOMBRE | NOMBRE QUE USA EN MEDIO

✔

FECHA DE NACIMIENTO — MES, DIA, AÑO: | NUMERO DE SEGURO SOCIAL:

✔ | ✔

Enumere todos los otros nombres que usted ha usado alguna vez:

NOMBRE DE SOLTERA: | NOMBRE/ALIAS:

✔

NOMBRE/ALIAS: | NOMBRE/ALIAS:

✔

DIRECCION ACTUAL: CALLE | CIUDAD | ESTADO | CODIGO POSTAL

✔

✔ ☐ MASC. ☐ FEM. | NUMERO DE TELEFONO DEL ESTABLECIMIENTO ✔ | NUMERO DE LICENCIA DE MANEJAR ✔

✔ NUMERO DEL ESTABLECIMIENTO: _____

✔ NOMBRE DEL ESTABLECIMIENTO: _____

✔ DIRECCION DEL ESTABLECIMIENTO: _____
CALLE | CIUDAD | ESTADO | CODIGO POSTAL

✔ OPCIONES DE PERSONAL

A ☐ ADMINISTRADOR/DIRECTOR DE UN ESTABLECIMIENTO

C ☐ MIEMBRO DE LA DIRECTIVA DE UNA CORPORACION

E ☐ EMPLEADO

F ☐ HOGAR CERTIFICADO (FFA*)

L ☐ PERSONA CON LICENCIA/SOLICITANTE

N ☐ RESIDENTE ADULTO QUE NO ES CLIENTE

P ☐ MIEMBRO (SOCIO) DE UNA SOCIEDAD

S ☐ ESPOSO(A) DE LA PERSONA CON LICENCIA (a menos que también se incluya como persona con licencia)

U ☐ NO SE SABE

SOLO PARA USO DE LA OFICINA DE LICENCIAMIENTO (FOR LICENSING OFFICE USE ONLY)

FOR FOLLOW-UP ONLY

Original Date Sent_____ Date Re-sent_____

SOLO PARA USO DEL DEPARTAMENTO DE JUSTICIA (FOR DEPARTMENT OF JUSTICE USE ONLY)

The result of a name search in the Child Abuse Central Index is as follows:

☐ The subject of the attached report **MAY** be the same as the subject of your inquiry.

☐ No record on the above listed person.

☐ Too many possible matches to identify. See attached listing.

*FFA *(Foster Family Agency)* es una oficina con licencia para aprobar hogares de crianza temporal.

CHILD ABUSE CENTRAL INDEX CHECK FOR STATE LICENSED FACILITIES

DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING
CAREGIVER BACKGROUND CHECK BUREAU
744 P ST., MS 19-62
SACRAMENTO, CA 95814

Complete ALL items checked (✔)

Include $15.00 for each Child Abuse Central Index Check. (There is no exemption from this fee) Make check or money order payable to the Department of Justice.

NOTE: APPLICANT/LICENSEE MUST SEND THIS FORM DIRECTLY TO DEPARTMENT OF JUSTICE, P.O. BOX 903417, SACRAMENTO, CA 94203-4170.

We are required by law to check the Child Abuse Central Index for all persons who apply for a license or seek employment in a child care or residential facility caring for children. Persons required to submit a fingerprint card for a child care facility (day or residential) must also fill out this form. Please complete the information below. The Licensee is responsible for submitting fingerprint cards and this form to the Department of Justice along with appropriate fees.

TYPE OR PRINT INFORMATION

✔ DATE SENT_____

NAME: LAST FIRST MIDDLE

✔

DATE OF BIRTH — MO., DAY, YEAR

✔

SOCIAL SECURITY NUMBER

✔

List all other names you have ever used:

MAIDEN NAME:

✔

NAME/AKA:

NAME/AKA:

✔

NAME/AKA:

✔

CURRENT ADDRESS STREET CITY STATE ZIP CODE

✔

☐ MALE ☐ FEMALE

FACILITY TELEPHONE NUMBER ✔

DRIVER'S LICENSE NUMBER ✔

✔ FACILITY NUMBER: _____

✔ FACILITY NAME: _____

✔ FACILITY ADDRESS: _____
STREET CITY STATE ZIP CODE

✔ PERSONNEL TYPE OPTIONS

A ☐ FACILITY ADMINISTRATOR/DIRECTOR
C ☐ CORPORATION BOARD MEMBER
E ☐ EMPLOYEE
F ☐ CERTIFIED HOME (FFA)
L ☐ LICENSEE/APPLICANT
N ☐ NONCLIENT ADULT RESIDENT
P ☐ PARTNERSHIP MEMBER
S ☐ SPOUSE OF LICENSEE (Unless included as a licensee)
U ☐ UNKNOWN

FOR LICENSING OFFICE USE ONLY
FOR FOLLOW-UP ONLY

Original Date Sent_____ Date Re-sent_____

FOR DEPARTMENT OF JUSTICE USE ONLY

The result of a name search in the Child Abuse Central Index is as follows:

☐ The subject of the attached report **MAY** be the same as the subject of your inquiry.
☐ No record on the above listed person.
☐ Too many possible matches to identify. See attached listing.

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION

CRIMINAL RECORD EXEMPTION TRANSFER REQUEST

Active criminal record exemptions may be transferred from one state licensed facility to another by a license applicant or licensee. Exemptions cannot be transferred from a state licensed facility to a county licensed facility or from county to state. **The transfer must be approved by the Department before the individual who is the subject of the transfer has client contact or the facility will be in violation of the law and subject to a $100 civil penalty.**

The license applicant or licensee who is seeking the exemption transfer must verify the individual's identity and include a copy of the person's driver's license or a valid photo identification issued by the California Department of Motor Vehicles or by another state or the United States government if the person is not a California resident. Additionally, a Child Abuse Central Index (CACI) check must be submitted if the exemption transfer is to a facility serving children and the individual has not previously submitted a CACI check or the date of the previous CACI inquiry was prior to January 1, 1999. The CACI must be mailed directly to the Department of Justice with the applicable fee.

PLEASE TYPE OR PRINT LEGIBLY

DATE:

PLEASE TRANSFER THE CRIMINAL RECORD EXEMPTION FOR:

LAST NAME | FIRST NAME | MIDDLE INITIAL

CA DRIVER'S LICENSE # or ID #: | DOB:

LICENSING INFORMATION SYSTEM ID #: | SSN: (OPTIONAL) ___ ___

FROM THE FOLLOWING FACILITY:

NAME OF FACILITY: | FACILITY NUMBER:

STREET ADDRESS:

CITY | STATE | ZIP CODE

TO THE FOLLOWING FACILITY:

NAME OF FACILITY:

FACILITY NUMBER: | DATE OF EMPLOYMENT:

STREET ADDRESS:

CITY | STATE | ZIP CODE

Transferee Association Type

- ☐ Facility Administrator
- ☐ Corporation Board Member
- ☐ Employee
- ☐ Certified Home
- ☐ Licensee/Applicant
- ☐ Non-client Adult Resident
- ☐ Partnership Member
- ☐ Spouse of Licensee

I certify I have verified the above individual's identity and have enclosed a copy of the individual's photo I.D.

Signature

Title *(licensee, administrator, director)*

FOR DISTRICT OFFICE USE ONLY

DATE OF EXEMPTION TRANSFER ENTRY: | INITIAL OF PERSON ENTERING TRANSFER:

FILE IN NEWLY ASSOCIATED FACILITY FILE

REFERENCE REQUEST FOR: _____

3. Please give your opinion of this person's character. _____

4. Please describe any interaction you have observed between this person and the client group he/she is requesting to work with. For example: Clients may be children, developmentally disabled children or adults, mentally impaired adults, or elderly. _____

5. Please add any comments you feel are relevant about this person and his/her desire to work in a community care facility. _____

PRINT YOUR NAME	YOUR SIGNATURE	DATE

REFERENCE REQUEST FOR: _____

To operate or work in facility type: _____

You must enter your full name and facility type before you give this form to your reference for completion.

The above named person has applied to operate, work or reside in a community care facility serving the client group indicated above. This person has selected you to write a reference statement on his/her behalf. **If you work at the facility, are a client of the facility, or are related to this person in any way, you may not complete this reference statement.**

Please complete the entire form. Your honest reply will help us ensure high quality care in our licensed facilities.

Your Name: _____

Street Address: _____

City _____ State _____ Zip _____

Day Time Telephone Number: (_____) _____

1. How long have you known the person you are writing this reference for? _____

2. How do you know this person? _____